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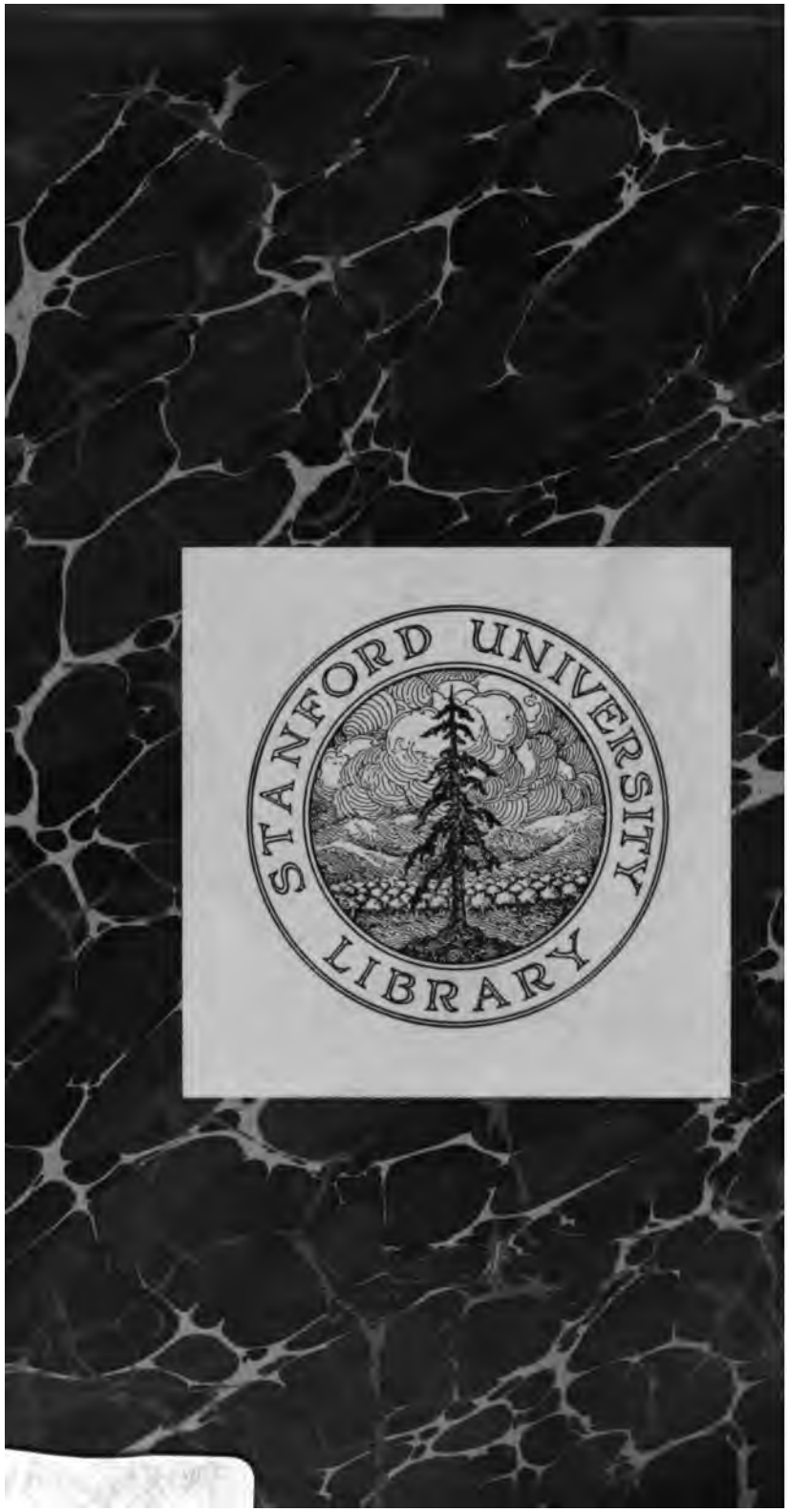
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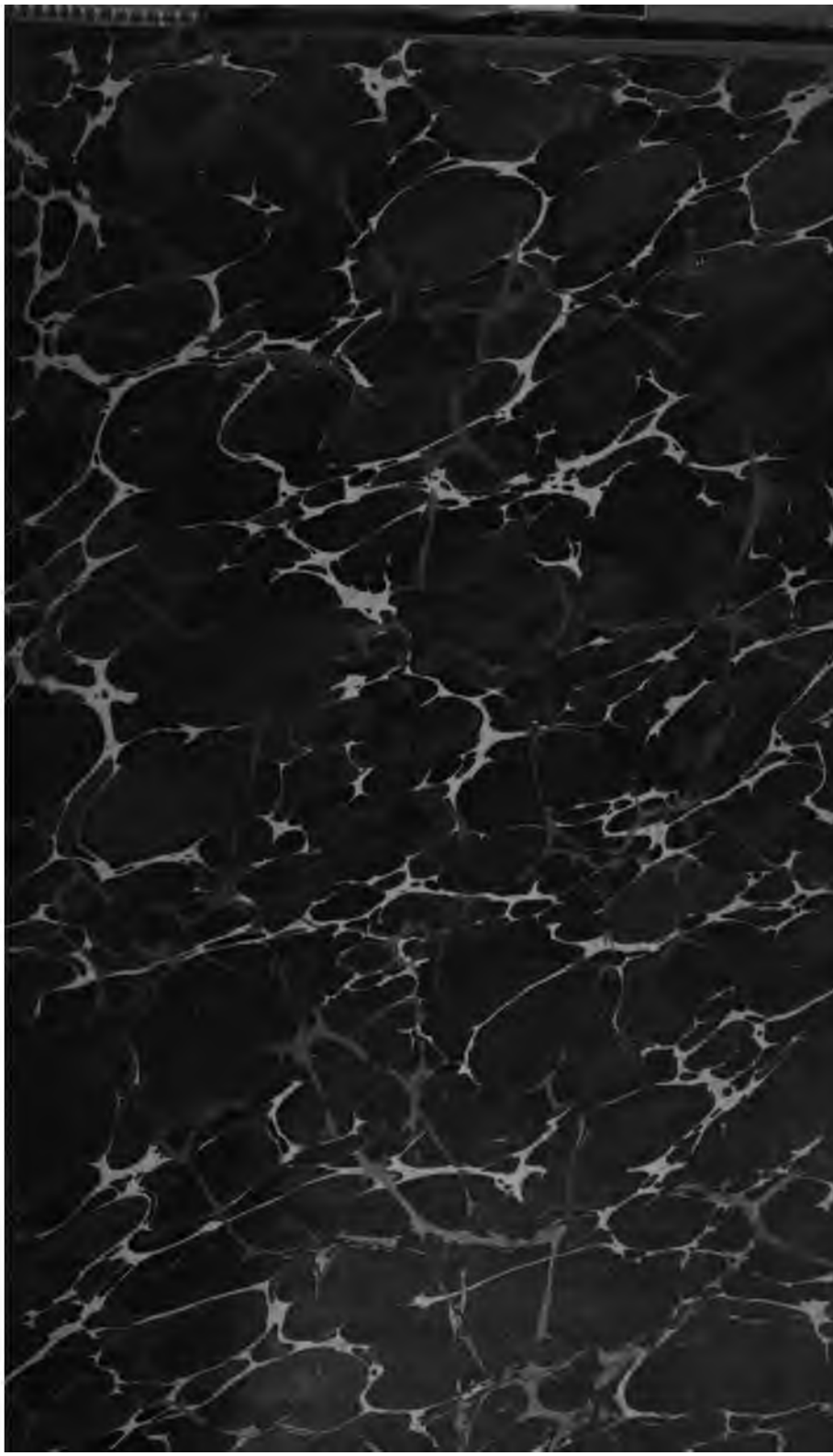
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HISTORY

OF

ROME.

BY

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VOL. I.

EARLY HISTORY TO THE BURNING OF ROME BY THE GAULS.

FIFTH EDITION.

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TO

HIS EXCELLENCY

CHARLES CHRISTIAN BUNSEN,

&c. &c. &c.

HIS PRUSSIAN MAJESTY'S MINISTER PLENIPOTENTIARY

AT THE COURT OF ROME,

THIS HISTORY IS INSCRIBED,

WITH EVERY FEELING OF ADMIRATION, ESTEEM, AND REGARD,

BY HIS AFFECTIONATE FRIEND AND SERVANT,

THE AUTHOR.

PREFACE.

In attempting to write the History of Rome, I am not afraid of incurring the censure pronounced by Johnson upon Blackwell [1], that he had chosen a subject long since exhausted; of which all men knew already as much as any one could tell them. Much more do I dread the reproach of having ventured, with most insufficient means, upon a work of the greatest difficulty; and thus by possibility deterring others from accomplishing a task which has never yet been fulfilled, and which they might fulfil more worthily. The great advances made within the last thirty years in historical knowledge have this most hopeful symptom, that they have taught us to appreciate the amount of our actual ignorance. As

[1] In his review of Blackwell's Memoirs of the Court of Augustus.—Works, Vol. II. 8vo. 1806.

we have better understood what history ought to be, we are become ashamed of that scanty information which might once have passed for learning; and our discovery of the questions which need to be solved has so outrun our powers of solving them, that we stand humiliated rather than encouraged, and almost inclined to envy the condition of our fathers, whose maps, so to speak, appeared to them complete and satisfactory, because they never suspected the existence of a world beyond their range.

Still although the time will, I trust, arrive, when points now altogether obscure will receive their full illustration, and when this work must be superseded by a more perfect history, yet it may be possible in the mean while to render some service, if I shall be able to do any justice to my subject up to the extent of our present knowledge. And we, who are now in the vigour of life, possess at least one advantage which our children may not share equally. We have lived in a period rich in historical lessons beyond all former example: we have witnessed one of the great seasons of movement in the life of mankind, in which the arts of peace and war, political parties and principles, philosophy and religion, in all their manifold forms and influences, have been developed with extraordinary force and freedom. Our own experience has thus thrown a bright light upon

the remoter past: much which our fathers could not fully understand, from being accustomed only to quieter times, and which again, from the same cause, may become obscure to our children, is to us perfectly familiar. This is an advantage common to all the present generation in every part of Europe; but it is not claiming too much to say, that the growth of the Roman Commonwealth, the true character of its parties, the causes and tendency of its revolutions, and the spirit of its people and its laws, ought to be understood by none so well as by those who have grown up under the laws, who have been engaged in the parties, who are themselves citizens of our kingly commonwealth of England.

Long before Niebuhr's death I had formed the design of writing the History of Rome; not, it may well be believed, with the foolish notion of rivalling so great a man, but because it appeared to me that his work was not likely to become generally popular in England, and that its discoveries and remarkable wisdom might best be made known to English readers by putting them into a form more adapted to our common taste. It should be remembered that only the two first volumes of Niebuhr's History were published in his lifetime; and although careful readers might have anticipated his powers of narration even from these, yet they were actually, by

the necessity of the case, more full of dissertations than of narrative; and for that reason it seemed desirable to remould them for the English public, by assuming as proved many of those results which Niebuhr himself had been obliged to demonstrate step by step. But when Niebuhr died, and there was now no hope of seeing his great work completed in a manner worthy of its beginning, I was more desirous than ever of executing my original plan, of presenting in a more popular form what he had lived to finish, and of continuing it afterwards with such advantages as I had derived from a long study and an intense admiration of his example and model.

It is my hope then, if God spares my life and health, to carry on this history to the revival of the western empire, in the year 800 of the Christian æra, by the coronation of Charlemagne at Rome. This point appears to me its natural termination. We shall then have passed through the chaos which followed the destruction of the old western empire, and shall have seen its several elements, combined with others which in that great convulsion had been mixed with them, organized again into their new form. That new form exhibited a marked and recognized division between the so-called secular and spiritual powers, and thereby has maintained in

Christian Europe the unhappy distinction which necessarily prevailed in the heathen empire between the church and the state; a distinction now so deeply seated in our laws, our language, and our very notions, that nothing less than a miraculous interposition of God's providence seems capable, within any definite time, of eradicating it. The Greek empire, in its latter years, retained so little of the Roman character, and had so little influence upon what was truly the Roman world, that it seems needless, for the sake of a mere name, to protract the story for six hundred and fifty years further, merely to bring it down to the conquest of Constantinople by the Turks.

The first volume embraces the infancy of the Roman people, from their origin down to the capture of Rome by the Gauls, in the middle of the fourth century before the Christian æra. For the whole of this period I have therefore enjoyed Niebuhr's guidance; I have every where availed myself of his materials as well as of his conclusions. No acknowledgment can be too ample for the benefits which I have derived from him: yet I have not followed him blindly, nor compiled my work from his. It seemed to be a worthier tribute to his greatness, to endeavour to follow his example; to imitate, so far as I could, his manner of inquiry; to observe and pursue his

hints; to try to practise his master art of doubting rightly and believing rightly; and, as no man is infallible, to venture sometimes even to differ from his conclusions, if a compliance with his own principles of judgment seemed to require it. But I can truly say, that I never differ from him without a full consciousness of the probability that further inquiry might prove him to be right.

The form and style in which I have given the legends and stories of the first three centuries of Rome may require some explanation. I wished to give these legends at once with the best effect, and at the same time with a perpetual mark, not to be mistaken by the most careless reader, that they were legends and not history. There seemed a reason, therefore, for adopting a more antiquated style, which otherwise of course would be justly liable to the charge of affectation.

It might seem ludicrous to speak of impartiality in writing the history of remote times, did not those times really bear a nearer resemblance to our own than many imagine; or did not Mitford's example sufficiently prove that the spirit of modern party may affect our view of ancient history. But many persons do not clearly see what should be the true impartiality of an historian. If there be no truths in moral and political science, little good can be derived

from the study of either: if there be truths, it must be desirable that they should be discovered and embraced. Scepticism must ever be a misfortune or a defect: a misfortune, if there be no means of arriving at truth; a defect, if while there exist such means we are unable or unwilling to use them. Believing that political science has its truths no less than moral, I cannot regard them with indifference, I cannot but wish them to be seen and embraced by others.

On the other hand, it must not be forgotten that these truths have been much disputed; that they have not, like moral truths, received that universal assent of good men which makes us shrink from submitting them to question. And again, in human affairs, the contest has never been between pure truth and pure error. Neither then may we assume political conclusions as absolutely certain; nor are political truths ever wholly identical with the professions or practice of any party or individual. If for the sake of recommending any principle, we disguise the errors or the crimes with which it has been in practice accompanied, and which in the weakness of human nature may perhaps be naturally connected with our reception of it, then we are guilty of most blameable partiality. And so it is no less, if for the sake of decrying an erroneous principle, we depreciate the wisdom, and the good and noble feelings

with which error also is frequently, and in some instances naturally, joined. This were to make our sense of political truth to overpower our sense of moral truth; a double error, inasmuch as it is at once the less certain, and to those who enjoy a Christian's hope, by far the less worthy.

While then I cannot think that political science contains no truths, or that it is a matter of indifference whether they are believed or no, I have endeavoured also to remember, that, be they ever so certain, there are other truths no less sure; and that one truth must never be sacrificed to another. I have tried to be strictly impartial in my judgments of men and parties, without being indifferent to those principles which were involved more or less purely in their defeat or triumph. I have desired neither to be so possessed with the mixed character of all things human, as to doubt the existence of abstract truth; nor so to dote on any abstract truth, as to think that its presence in the human mind is incompatible with any evil, its absence incompatible with any good.

In this first volume of my History, I have followed the common chronology without scruple; not as true, but as the most convenient. Where the facts themselves are so uncertain, it must be a vain labour to try to fix their dates minutely. But when we arrive

at a period of greater certainty as to the facts, then it will be proper to examine, as far as possible, into the chronology.

Those readers who are acquainted with Niebuhr, or with the history written by Mr. Maldon, for the Society for the Diffusion of Useful Knowledge, may be surprised to find so little said in this volume upon the antiquities of the different nations of Italy. The omission, however, was made deliberately; partly because the subject does not appear to me to belong essentially to the early history of Rome, and still more, because the researches now carried on with so much spirit in Italy, hold out the hope that we may obtain, ere long, some more satisfactory knowledge than is at present attainable. Pelasgian inscriptions, written in a character clearly distinguishable from the Etruscan, have been discovered very recently, as I am informed, at Agylla or Cære. And the study and comparison of the several Indo-Germanic languages is making such progress, that, if any fortunate discovery comes in to aid it, we may hope to see the mystery of the Etruscan inscriptions at length unravelled. I was not sorry, therefore, to defer any detailed inquiry into the antiquities of the Italian nations, in the expectation that I might be able hereafter to enter upon the subject to greater advantage.

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Amongst the manifold accomplishments of Niebuhr's mind, not the least extraordinary was his philological knowledge. His acquaintance with the manuscripts of the Greek and Roman writers was extensive and profound; his acuteness in detecting a corrupt reading, and his sagacity in correcting it, were worthy of the critical ability of Bentley. On no point have I been more humbled with a sense of my own inferiority, as feeling that my own professional pursuits ought, in this respect, to have placed me more nearly on a level with him. But it is far otherwise. I have had but little acquaintance with manuscripts, nor have I the means of consulting them extensively; and the common editions of the Latin writers in particular, do not intimate how much of their present text is grounded upon conjecture. I have seen references made to Festus, which on examination have been found to rest on no other authority than Scaliger's conjectural piecing of the fragments of the original text. But besides this, we often need a knowledge of the general character of a manuscript or manuscripts, in order to judge whether any remarkable variations in names or dates are really to be ascribed to the author's having followed a different version of the story, or whether they are mere blunders of the copyist. For instance, the names of the consuls, as given at the beginning

of each year in the present text of Diodorus, are in many instances so corrupt, that one is tempted to doubt how far some apparent differences in his Fasti from those followed by Livy, are really his own, or his copyist's. And the text of Cæsar's Commentaries is also so corrupt, and has in the later editions been sometimes so unhappily corrected, that I dread the period when I shall have to follow it as the main authority of my narrative, and can no longer look to Niebuhr's sagacity for guidance.

There are some works which I have not been able to consult; and there are points connected with the topography of Rome and its neighbourhood, on which no existing work gives a satisfactory explanation. On these points I have been accustomed to consult my valued friend Bunsen, Niebuhr's successor in his official situation as Prussian Minister at Rome, and his worthy successor no less in the profoundness of his antiquarian, and philological, and historical knowledge. From him I have received much important aid—the continuation of the benefit which I derived from his conversation, when I had the happiness of studying the topography of Rome with him, and of visiting in his society some of the most memorable spots of ancient Latium. Without his encouragement and sympathy I should scarcely have

brought this volume to a completion; may he accept my warmest acknowledgments for this and for the many other proofs which I have received, during the last ten years, of his most valued friendship.

Fox How, Ambleside,
January 15th, 1838.

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HISTORY OF ROME.

CHAPTER I.

EARLY LEGENDS OF ROME.

"The old songs of every people, which bear the impress of their character, and of which the beauties whether few or many must be genuine, because they arise only from feeling, have always been valued by men of masculine and comprehensive taste."—Sir J. MACKINTOSH, Hist. of England, Vol. I. p. 86.

THE LEGEND OF ÆNEAS.

CHAP. I.

How Æneas went over sea from Troy to the land of the Latins.

WHEN the fatal horse was going to be brought within the walls of Troy [1], and when Laocoon had been devoured by the two serpents sent by the gods to punish him because he had tried to save his country against the will of fate, then Æneas and his father Anchises, with their wives [2], and many who followed their fortune, fled from the coming of the evil day. But they remembered to carry their gods with them [3], who were to receive their worship in a

[1] Arctinus, Ἰλίου πέρσις, quoted by Proclus, Chrestomathia, p. 483. See Fynes Clinton, Fasti Hellen. Vol. i. p. 356.

[2] Nævius, Fragm. Bell. Pun. I. 15—20.

[3] See the Tabula Iliensis, taken from Stesichorus. [Annali dell' Instituto di Corrispond. Archeolog. 1829, p. 232.]

CHAP. I.

The legend of Æneas.

happier land. They were guided in their flight from the city [4] by the god Hermes, and he built for them a ship to carry them over the sea. When they put to sea, the star of Venus [5], the mother of Æneas, stood over their heads, and it shone by day as well as by night, till they came to the shores of the land of the west. But when they landed, the star vanished and was seen no more; and by this sign Æneas knew that he was come to that country wherein fate had appointed him to dwell.

Of the sign which he saw, showing him where he should build his city.

The Trojans, when they had brought their gods on shore, began to sacrifice [6]. But the victim, a milk-white sow just ready to farrow, broke from the priest and his ministers and fled away. Æneas followed her: for an oracle had told him, that a four-footed beast should guide him to the spot where he was to build his city. So the sow went forwards till she came to a certain hill, about two miles and a half from the shore where they had purposed to sacrifice, and there she laid down and farrowed, and her litter was of thirty young ones. But when Æneas saw that the place was sandy and barren [7], he doubted what he should do. Just at this time he heard a voice which said,—"The thirty young of the sow are thirty years; when thirty years are passed, thy children shall remove to a better land; meantime do thou obey the gods, and build thy city in the place where they bid thee to build." So the

[4] Tabula Iliensis, and Nævius, quoted by Servius, Æn. I. 170. Edit. Lion. 1826.

[5] Varro de Rebus divinis, II. quoted by Servius, Æn. I. 381.

[6] Dionysius, I. 56.

[7] Q. Fabius, apud Servium, Virg. Æn. I. v. 3.

CHAP. I.

Trojans built their city on the spot where the sow had farrowed.

The legend of Æneas. Of his wars with the people of the country.

Now the land belonged to a people who were the children of the soil [8], and their king was called Latinus. He received the strangers kindly, and granted to them seven hundred jugera of land [9], seven jugera to each man, for that was a man's portion. But soon the children of the soil and the strangers quarrelled; and the strangers plundered the lands round about them [10]; and king Latinus called upon Turnus, the king of the Rutulians of Ardea, to help him against them. The quarrel became a war: and the strangers took the city of king Latinus, and Latinus was killed; and Æneas took his daughter Lavinia and married her, and became king over the children of the soil; and they and the strangers became one people, and they were called by one name, Latins.

How he disappeared in the river Numicius, and was worshipped as a god.

But Turnus called to his aid Mezentius, king of the Etruscans of Cære [11]. There was then another battle on the banks of the river Numicius, and Turnus was killed, and Æneas plunged into the river and was seen no more. However, his son Ascanius declared that he was not dead, but that the gods had taken him to be one of themselves [12]; and his people built an altar to him on the banks of the Numicius, and worshipped him by the name of Jupiter

[8] "Aborigines."—Cato, Origines, apud Servium, Æn. I. v. 6.

[9] Cato, apud Servium, Æn. XI. v. 316.—But it should be observed that the MSS. of Servius give the number of jugera variously.

[10] Cato, apud Servium, Æn. I. 267, et Æn. IV. 620.

[11] Cato, apud Servium, Æn. I. 267.

[12] Servius, Æn. IV. 620. Æn. XII. 794.

CHAP. I.

Indiges, which means, "the God who was of that very land [13]."

THE LEGEND OF ASCANIUS.

How Ascanius slew Mezentius, and built the city of Alba Longa.

The war went on between Mezentius and Ascanius, the son of Æneas; and Mezentius pressed hard upon the Latins, till at last Ascanius met him man to man, and slew him [14] in single fight. At that time Ascanius was very young, and there were only the first soft hairs of youth upon his cheeks; so he was called Iulus, or "the soft-haired," because, when he was only a youth, he had vanquished and slain his enemy, who was a grown man. At length the thirty years came to an end, which were foreshown by the litter of thirty young ones of the white sow. Ascanius then removed with his people to a high mountain, which looks over all the land on every side, and one side of it runs steep down into a lake: there he hewed out a place for his city on the side of the mountain, above the lake; and as the city was long and narrow, owing to the steepness of the hill, he called it Alba Longa, which is, the "White Long City," and he called it white, because of the sign of the white sow [15].

THE LEGEND OF ROMULUS.

How Romulus and Remus were born, and suckled by a she-wolf and fed by a woodpecker.

Numitor [16] was the eldest son of Procas, king of Alba Longa, and he had a younger brother called

[13] Livy, I. 2.
[14] Cato, apud Servium, Æn. I. 267.
[15] Servius, Æn. I. v. 270.
[16] Livy, I. 3. Dionysius, I. 76, et seqq. Plutarch, in Romulo.

Amulius. When Procas died, Amulius seized by force on the kingdom, and left to Numitor only his share of his father's private inheritance. After this he caused Numitor's only son to be slain, and made his daughter Silvia become one of the virgins who watched the ever-burning fire of the goddess Vesta. But the god Mamers, who is called also Mars, beheld the virgin and loved her, and it was found that she was going to become the mother of children. Then Amulius ordered that the children, when born, should be thrown into the river. It happened that the river at that time had flooded the country; when, therefore, the two children in their basket were thrown into the river, the waters carried them as far as the foot of the Palatine Hill, and there the basket was upset, near the roots of a wild fig-tree, and the children thrown out upon the land. At this moment there came a she-wolf down to the water to drink, and when she saw the children, she carried them to her cave hard by, and gave them to suck; and whilst they were there, a woodpecker came backwards and forwards to the cave, and brought them food [17]. At last one Faustulus, the king's herdsman, saw the wolf suckling the children; and when he went up, the wolf left them and fled [18]; so he took them home to his wife Larentia, and they were bred up along with their own sons on the Palatine Hill; and they were called Romulus and Remus [19].

[17] Ovid, Fasti, III. 54. Servius, Æn. I. v. 273.

[18] Ennius, Annal. I. 78.

[19] Gellius, Noct. Attic. VI. c. 7, quoted from Messurius Sabinus.

CHAP. I.

The legend of Romulus. How it was found out who they were.

When Romulus and Remus grew up, the herdsmen of the Palatine Hill chanced to have a quarrel with the herdsmen of Numitor, who stalled their cattle on the hill Aventinus. Numitor's herdsmen laid an ambush, and Remus fell into it, and was taken and carried off to Alba. But when the young man was brought before Numitor, he was struck with his noble air and bearing, and asked him who he was. And when Remus told him of his birth, and how he had been saved from death, together with his brother, Numitor marvelled, and thought whether this might not be his own daughter's child. In the mean while, Faustulus and Romulus hastened to Alba to deliver Remus; and by the help of the young men of the Palatine Hill, who had been used to follow him and his brother, Romulus took the city, and Amulius was killed; and Numitor was made king, and owned Romulus and Remus to be born of his own blood.

How they disputed which should give his name to the city, and of the sign of the vultures.

The two brothers did not wish to live at Alba, but loved rather the hill on the banks of the Tiber where they had been brought up. So they said that they would build a city there; and they inquired of the gods by augury, to know which of them should give his name to the city. They watched the heavens from morning till evening, and from evening till morning[20]; and as the sun was rising, Remus saw six vultures[21]. This was told to Romulus; but as they were telling him, behold there appeared to

[20] Ennius, Annal. I. v. 106, 107.

[21] Livy, I. 7.

The legend of Romulus.

him twelve vultures. Then it was disputed again, which had seen the truest sign of the gods' favour: but the most part gave their voices for Romulus. So he began to build his city on the Palatine Hill. This made Remus very angry; and when he saw the ditch and the rampart which were drawn round the space where the city was to be, he scornfully leapt over them [22], saying, "Shall such defences as these keep your city?" As he did this, Celer, who had the charge of the building, struck Remus with the spade which he held in his hand, and slew him; and they buried him on the hill Remuria, by the banks of the Tiber, on the spot where he had wished to build his city.

How Romulus opened a place of refuge, and how his people carried off the women of the neighbouring people.

But Romulus found that his people were too few in numbers; so he set apart a place of refuge [23], to which any man might flee, and be safe from his pursuers. So many fled thither from the countries round about; those who had shed blood, and fled from the vengeance of the avenger of blood; those who were driven out from their own homes by their enemies, and even men of low degree who had run away from their lords. Thus the city became full of people; but yet they wanted wives, and the nations round about would not give them their daughters in marriage. So Romulus gave out that he was going to keep a great festival, and there were to be sports and games to draw a multitude together [24]. The neighbours came to see the show, with

[22] Ovid, Fasti, IV. 842.
[23] The famous Asylum. See Livy, I. 8.
[24] Livy, I. 9.

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The legend of Romulus.

their wives and their daughters: there came the people of Cænina, and of Crustumerium, and of Antemna, and a great multitude of the Sabines. But while they were looking at the games, the people of Romulus rushed out upon them, and carried off the women to be their wives.

How for this cause the Sabines made war on them, and of the treason of the fair Tarpeia.

Upon this the people of Cænina first made war upon the people of Romulus[25]: but they were beaten, and Romulus with his own hand slew their king Acron. Next the people of Crustumerium, and of Antemna, tried their fortune, but Romulus conquered both of them. Last of all came the Sabines with a great army, under Titus Tatius, their king. There is a hill near to the Tiber, which was divided from the Palatine Hill by a low and swampy valley; and on this hill Romulus made a fortress, to keep off the enemy from his city. But when the fair Tarpeia, the daughter of the chief who had charge of the fortress, saw the Sabines draw near, and marked their bracelets and their collars of gold, she longed after these ornaments, and promised to betray the hill into their hands if they would give her those bright things which they wore upon their arms[26]. So she opened a gate, and let in the Sabines; and they, as they came in, threw upon her their bright shields which they bore on their arms, and crushed her to death. Thus the Sabines got the fortress which was on the hill Saturnius; and they and the Romans joined battle in the valley between the hill and the

How the god Janus saved the city from the Sabines.

[25] Livy, I. 10.

[26] Livy, I. 11.

The legend of Romulus.

city of Romulus[27]. The Sabines began to get the better, and came up close to one of the gates of the city. The people of Romulus shut the gate, but it opened of its own accord; once and again they shut it, and once and again it opened. But as the Sabines were rushing in, behold, there burst forth from the Temple of Janus, which was near the gate, a mighty stream of water, and it swept away the Sabines, and saved the city. For this it was ordered that the Temple of Janus should stand ever open in time of war, that the god might be ever ready, as on this day, to go out and give his aid to the people of Romulus.

How the women who had been carried off made peace between their fathers and their husbands; and how the Romans and the Sabines lived together.

After this they fought again in the valley; and the people of Romulus were beginning to flee, when Romulus prayed to Jove, the stayer of flight, that he might stay the people[28]; and so their flight was stayed, and they turned again to the battle. And now the fight was fiercer than ever; when, on a sudden, the Sabine women who had been carried off ran down from the hill Palatinus, and ran in between their husbands and their fathers, and prayed them to lay aside their quarrel[29]. So they made peace with one another, and the two people became as one: the

[27] Macrobius, Saturnalia, I. 9. Macrobius places the scene of this wonder at a gate "which stood at the foot of the hill Viminalis." It would be difficult to reconcile this story with the other accounts of the limits of the two cities of Romulus and Tatius; and certainly a gate at the foot of the Viminal could not have existed in the walls of the city of Romulus, according to the historical account of their direction and extent, as given by Tacitus, Annal. XII. 24. Yet Macrobius relates the wonder as having happened at one of the gates of the Roman city, when the Romans were at war with Tatius; and it seemed needless to destroy the consistency of the whole story by the unseasonable introduction of a topographical difficulty.

[28] Livy, I. 12.

[29] Livy, I. 13.

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The legend of Romulus.

Sabines with their king dwelt on the hill Saturnius, which is also called Capitolium, and on the hill Quirinalis; and the people of Romulus with their king dwelt on the hill Palatinus. But the kings with their counsellors met in the valley between Saturnius and Palatinus, to consult about their common matters; and the place where they met was called Comitium, which means "the place of meeting."

Soon after this, Tatius was slain by the people of Laurentum, because some of his kinsmen had wronged them, and he would not do them justice [30]. So Romulus reigned by himself over both nations; and his own people were called the Romans, for Roma was the name of the city on the hill Palatinus; and the Sabines were called Quirites, for the name of their city on the hills Saturnius and Quirinalis was Quirium [31].

How Romulus ordered his people.

The people were divided into three tribes [32]; the Ramnenses, and the Titienses, and the Luceres: the Ramnenses were called from Romulus, and the Titienses from Tatius; and the Luceres were called from Lucumo, an Etruscan chief, who had come to help Romulus in his war with the Sabines, and dwelt on the hill called Cælius. In each tribe there were ten curiæ, each of one hundred men [33]; so all the men of the three tribes were three thousand, and

[30] Livy, I. 14.

[31] Perhaps I hardly ought to have embodied Niebuhr's conjecture in the legend, for certainly no ancient writer now extant speaks of the town "Quirium." Yet it seems so probable a conjecture, and gives so much consistency to the story, that I have ventured to adopt it.

[32] Livy, I. 13. Varro de Lin. Lat. § 55. Ed. Müller. Servius, Æn. V. 560.

[33] Paternus, quoted by Lydus, de Magistratibus, c. 9.

The legend of Romulus.

these fought on foot, and were called a legion. There were also three hundred horsemen, and these were called Celerians, because their chief was that Celer who had slain Remus. There was besides a council of two hundred men, which was called a senate, that is, a council of elders.

How he vanished suddenly in the field of Mars, and was worshipped as a god.

Romulus was a just king, and gentle to his people: if any were guilty of crimes, he did not put them to death, but made them pay a fine of sheep or of oxen[34]. In his wars he was very successful, and enriched his people with the spoils of their enemies. At last, after he had reigned nearly forty years, it chanced that one day he called his people together in the field of Mars, near the Goats' Pool[35]: when, all on a sudden, there arose a dreadful storm, and all was as dark as night; and the rain, and thunder and lightning, were so terrible, that all the people fled from the field, and ran to their several homes. At last the storm was over, and they came back to the field of Mars, but Romulus was no where to be found; for Mars, his father, had carried him up to heaven in his chariot[36]. The people knew not at first what was become of him; but when it was night, as one Proculus Julius was coming from Alba to the city, Romulus appeared to him in more than mortal beauty, and grown to more than mortal stature, and said to him, "Go, and tell my people that they weep not for me any more; but bid them to be brave and warlike, and so shall they make my city

[34] Cicero de Republicâ, II. 9.

[35] Livy, I. 16.

[36] ——————— "Quirinus Martis equis Acheronta fugit." Horat. III. Carm. 3.

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the greatest in the earth." Then the people knew that Romulus was become a god; so they built a temple to him, and offered sacrifice to him, and worshipped him evermore by the name of the god Quirinus.

THE LEGEND OF NUMA POMPILIUS.

How for one whole year the Romans had no king.

When Romulus was taken from the earth, there was no one found to reign in his place [37]. The Senators would choose no king, but they divided themselves into tens: and every ten was to have the power of king for five days, one after the other. So a year passed away, and the people murmured, and said, that there must be a king chosen.

How Numa Pompilius was chosen king.

Now the Romans and the Sabines each wished that the king should be one of them; but at last it was agreed that the king should be a Sabine, but that the Romans should choose him [38]. So they chose Numa Pompilius: for all men said that he was a just man, and wise, and holy.

Of his wise and pious ordinances; and of the favour shown him by the nymph Egeria.

Some said that he had learnt his wisdom from Pythagoras, the famous philosopher of the Greeks [39]; but others would not believe that he owed it to any foreign teacher. Before he would consent to be king, he consulted the gods by augury, to know whether it was their pleasure that he should reign [40]. And as he feared the gods at first, so did he even to the last. He appointed many to minister in sacred things [41],

[37] Livy, I. 17.
[38] Dionysius, II. 58.
[39] Livy, I. 18. Dionysius, I. 59.
[40] Livy, I. 18.
[41] Livy, I. 19.

such as the Pontifices, who were to see that all things relating to the gods were duly observed by all; and the Augurs, who taught men the pleasure of the gods concerning things to come; and the Flamens, who ministered in the temples; and the virgins of Vesta, who tended the ever-burning fire; and the Salii, who honoured the god of arms with solemn songs and dances through the city on certain days, and who kept the sacred shield which fell down from heaven. And in all that he did, he knew that he should please the gods; for he did every thing by the direction of the nymph Egeria, who honoured him so much that she took him to be her husband, and taught him in her sacred grove, by the spring that welled out from the rock, all that he was to do towards the gods and towards men[42]. By her counsel he snared the gods Picus and Faunus in the grove on the hill Aventinus, and made them tell him how he might learn from Jupiter the knowledge of his will, and might get him to declare it either by lightning or by the flight of birds[43]. And when men doubted whether Egeria had really given him her counsel, she gave him a sign by which he might prove it to them. He called many of the Romans to supper, and set before them a homely meal in earthen dishes[44]; and then on a sudden he said, that now Egeria was come to visit him; and straightway the dishes and the cups became of gold or pre-

[42] Livy, I. 19, 20. Ovid, Fasti, III. 276.

[43] Ovid, Fasti, III. 289, et seqq. Plutarch, Numa, 15.

[44] Plutarch, Numa, 15. Dionysius, II. 60.

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The legend Numa Pompilius.

cious stones, and the couches were covered with rare and costly coverings, and the meats and drinks were abundant and most delicious. But though Numa took so much care for the service of the gods, yet he forbade all costly sacrifices [45]; neither did he suffer blood to be shed on the altars, nor any images of the gods to be made [46]. But he taught the people to offer in sacrifice nothing but the fruits of the earth, meal and cakes of flour, and roasted corn.

Of his goodness towards his people, and how there were no wars in his reign.

For he loved husbandry, and he wished his people to live every man on his own inheritance in peace and in happiness. So the lands which Romulus had won in war, he divided out amongst the people, and gave a certain portion to every man [47]. He then ordered landmarks to be set on every portion [48]; and Terminus the god of landmarks had them in his keeping, and he who moved a landmark was accursed. The craftsmen of the city [49], who had no land, were divided according to their callings; and there were made of them nine companies. So all was peaceful and prosperous throughout the reign of king Numa; the gates of the temple of Janus were never opened, for the Romans had no wars and no enemies; and Numa built a temple to Faith, and appointed a solemn worship for her [50], that men might learn not to lie or to deceive, but to speak and act in honesty. And when he had lived to the age of fourscore years, he died at last by a gentle decay, and he was

[45] Cicero de Repub. II. 14.

[46] Plutarch, Numa, 8. Varro, apud Augustin. Civit. Dei, IV. 31.

[47] Cicero de Repub. II. 14.

[48] Dionysius, II. 74. Plutarch, Numa, 16.

[49] Plutarch, Numa, 17.

[50] Livy, I. 21.

buried under the hill Janiculum, on the other side of the Tiber; and the books of his sacred laws and ordinance were buried near him in a separate tomb[51].

THE LEGEND OF TULLUS HOSTILIUS.

How Tullus Hostilius was chosen king.

When Numa was dead, the Senators again for a while shared the kingly power amongst themselves. But they soon chose for their king Tullus Hostilius, whose father's father had come from Medullia, a city of the Latins, to Rome, and had fought with Romulus against the Sabines[52]. Tullus loved the poor, and he divided the lands which came to him as king, amongst those who had no land. He also bade those who had no houses to settle themselves on the hill Cælius, and there he dwelt himself in the midst of them.

Of his war with the Albans, and of the combat between the Horatii and the Curiatii.

Tullus was a warlike king, and he soon was called to prove his valour; for the countrymen of the Alban border and of the Roman border plundered one another[53]. Now Alba was governed by Caius Cluilius, who was the dictator; and Cluilius sent to Rome to complain of the wrongs done to his people, and Tullus sent to Alba for the same purpose. So there was a war between the two nations, and Cluilius led his people against Rome, and lay encamped within five miles of the city, and there he died. Mettius Fufetius was then chosen dictator in his room; and as the Albans still lay in their camp, Tullus passed them by, and marched into the land of Alba. But when

[51] Plutarch, Numa, 22.
[52] Dionysius, III. 1.
[53] Livy, I. 22, et seqq.

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Mettius came after him, then, instead of giving battle, the two leaders agreed that a few in either army should fight in behalf of the rest, and that the event of this combat should decide the quarrel. So three twin brothers were chosen out of the Roman army, called the Horatii, and three twin brothers out of the Alban army, called the Curiatii. The combat took place in the sight of both armies; and after a time all the Curiatii were wounded, and two of the Horatii were slain. Then the last Horatius pretended to fly, and the Curiatii each, as they were able, followed after him. But when Horatius saw that they were a great way off from one another, he turned suddenly and slew the first of them; and the second in like manner; and then he easily overcame and slew the third. So the victory remained to the Romans.

How Horatius slew his sister, and of the judgment passed upon him for the deed.

Then the Romans went home to Rome in triumph [54], and Horatius went at the head of the army, bearing his triple spoils. But as they were drawing near to the Capenian gate, his sister came out to meet him. Now she had been betrothed in marriage to one of the Curiatii, and his cloak, which she had wrought with her own hands, was borne on the shoulders of her brother; and she knew it, and cried out, and wept for him whom she had loved. At the sight of her tears Horatius was so wroth that he drew his sword, and stabbed his sister to the heart; and he said, "So perish the Roman maiden who shall weep for her country's enemy." But men

[54] Livy, I. 26.

said that it was a dreadful deed, and they dragged him before the two judges who judged when blood had been shed. For thus said the law,

The legend of Tullus Hostilius.

"The two men shall give judgment on the shedder of blood.
If he shall appeal from their judgment, let the appeal be tried.
If their judgment be confirmed, cover his head.
Hang him with a halter on the accursed tree;
Scourge him either within the sacred limit of the city or without."

So they gave judgment on Horatius, and were going to give him over to be put to death. But he appealed, and the appeal was tried before all the Romans, and they would not condemn him because he had conquered for them their enemies, and because his father spoke for him, and said, that he judged the maiden to have been lawfully slain. Yet as blood had been shed, which required to be atoned for, the Romans gave a certain sum of money to offer sacrifices to atone for the pollution of blood. These sacrifices were duly performed ever afterwards by the members of the house of the Horatii.

Of the fearful punishment of Mettius Fufetius, and of the destruction of Alba.

The Albans were now become bound to obey the Romans[55]; and Tullus called upon them to aid him in a war against the people of Veii and Fidenæ. But in the battle the Alban leader, Mettius Fufetius, stood aloof, and gave no true aid to the Romans. So, when the Romans had won the battle, Tullus called the Albans together as if he were going to make a speech to them; and they came to

[55] Livy, I. 27, et seqq.

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hear him, as was the custom, without their arms; and the Roman soldiers gathered around them, and they could neither fight nor escape. Then Tullus took Mettius and bound him between two chariots, and drove the chariots different ways, and tore him asunder. After this he sent his people to Alba, and they destroyed the city, and made all the Albans come and live at Rome; there they had the hill Cælius for their dwelling-place, and became one people with the Romans.

How king Tullus, having offended the gods, was killed by lightning.

After this, Tullus made war upon the Sabines, and gained a victory over them [56]. But now, whether it were that Tullus had neglected the worship of the gods whilst he had been so busy in his wars, the signs of the wrath of heaven became manifest. A plague broke out among the people, and Tullus himself was at last stricken with a lingering disease. Then he bethought him of good and holy Numa, and how, in his time, the gods had been so gracious to Rome, and had made known their will by signs whenever Numa inquired of them. So Tullus also tried to inquire of Jupiter, but the god was angry and would not be inquired of, for Tullus did not consult him rightly; so he sent his lightnings, and Tullus and all his house were burnt to ashes. This made the Romans know that they wanted a king who would follow the example of Numa; so they chose his daughter's son Ancus Marcius, to reign over them in the room of Tullus.

[56] Livy, I. 31.

THE STORY OF ANCUS MARCIUS.

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Of the good reign of Ancus Marcius.

Ancient story does not tell much of Ancus Marcius. He published the religious ceremonies which Numa had commanded, and had them written out upon whited boards, and hung up round the forum, that all might know and observe them [57]. He had a war with the Latins and conquered them, and brought the people to Rome, and gave them the hill Aventinus to dwell on [58]. He divided the lands of the conquered Latins amongst all the Romans [59]; and he gave up the forests near the sea which he had taken from the Latins, to be the public property of the Romans. He founded a colony at Ostia, by the mouth of the Tiber [60]. He built a fortress on the hill Janiculum, and joined the hill to the city by a wooden bridge over the river [61]. He secured the city in the low grounds between the hills by a great dyke, which was called the dyke of the Quirites [62]. And he built a prison under the hill Saturnius, towards the forum, because as the people grew in numbers, offenders against the laws became more numerous also [63]. At last king Ancus died, after a reign of three-and-twenty years [64].

[57] Livy, I. 32. Dionysius, III. 36.
[58] Cicero de Repub. II. 18. Livy, I. 33.
[59] Cicero de Repub. II. 18.
[60] Cicero, ib. Livy, I. 33. Dionysius, III. 44.
[61] Livy, I. 33.
[62] Livy, I 33.
[63] Livy, I. 33.
[64] Cicero de Repub. II. 18. Livy says, "twenty-four years." I. 35.

CHAPTER II.

THE EARLY HISTORY OF ROME.

Ἐκ τῶν εἰρημένων τεκμηρίων τοιαῦτα ἄν τις νομίζων μάλιστα ἃ διῆλθον, οὐχ ἁμαρτάνοι· καὶ οὔτε ὡς ποιηταὶ ὑμνήκασι περὶ αὐτῶν, ἐπὶ τὸ μεῖζον κοσμοῦντες, μᾶλλον πιστεύων, οὔτε ὡς λογογράφοι ξυνέθεσαν ἐπὶ τὸ προσαγωγότερον τῇ ἀκροάσει ἢ ἀληθέστερον, ὄντα ἀνεξέλεγκτα καὶ τὰ πολλὰ ὑπο χρόνου αὐτῶν ἀπίστως ἐπὶ το μυθῶδες ἐκνενικηκότα, εὑρῆσθαι δὲ ἡγησάμενος ἐκ τῶν ἐπιφανεστάτων σημείων, ὡς παλαιὰ εἶναι, ἀποχρώντως.
—THUCYDIDES, I. 21.

CHAP. II.

The early history of Rome.

I HAVE given the stories of the early kings and founders of Rome in their own proper form; not wishing any one to mistake them for real history, but thinking them far too famous and too striking to be omitted. But what is the real history, in the place of which we have so long admired the tales of Romulus and Numa? This is a question which cannot be satisfactorily answered: I shall content myself here with giving the few points that seem sufficiently established; referring those who desire to go deeply into the whole question, to that immortal work of Niebuhr, which has left other writers nothing else to do, except either to copy or to abridge it.

The first question in the history of every people is, What was their race and language? the next, What was the earliest form of their society, their social and

political organization? Let us see how far we can answer these questions with respect to Rome.

Language of the Romans.

The language of the Romans was not called Roman, but Latin. Politically, Rome and Latium were clearly distinguished, but their language appears to have been the same. This language is different from the Etruscan, and from the Oscan; the Romans, therefore, are so far marked out as distinct from the great nations of central Italy, whether Etruscans, Umbrians, Sabines, or Samnites.

Partly connected with that of Greece.

On the other hand, the connexion of the Latin language with the Greek is manifest. Many common words, which no nation ever derives from the literature of another, are the same in Greek and Latin; the declensions of the nouns and verbs are, to a great degree, similar. It is probable that the Latins belonged to that great race which, in very early times, overspread both Greece and Italy, under the various names of Pelasgians, Tyrsenians, and Siculians. It may be believed, that the Hellenians were anciently a people of this same race, but that some peculiar circumstances gave to them a distinct and superior character, and raised them so far above their brethren, that, in after-ages, they disclaimed all connexion with them [1].

[1] The Pelasgians, in the opinion of Herodotus, were a barbarian race, and spoke a barbarian language.—I. 57, 58. This merely means that they did not speak Greek. No one doubts the connexion between Greek and Latin; yet Plautus, speaking of one of his own comedies, the story of which was borrowed from Philemon, says,

"Philemo scripsit, Plautus vertit barbarè."

Trinummus, Prolog. v. 19.

That is, "translated into Latin." The discovery of affinities in lan-

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Partly with that of the Oscans.

But in the Latin language there is another element besides that which it has in common with the Greek. This element belongs to the languages of central Italy, and may be called Oscan. Further, Niebuhr has remarked, that whilst the terms relating to agriculture and domestic life are mostly derived from the Greek part of the language, those relating to arms and war are mostly Oscan [2]. It seems, then, not only that the Latins were a mixed people, partly Pelasgian and partly Oscan; but also that they arose out of a conquest of the Pelasgians by the Oscans: so that the latter were the ruling class of the united nation; the former were its subjects.

Differences between the Romans and the other Latins.

The Latin language, then, may afford us a clue to the origin of the Latin people, and so far to that of the Romans. But it does not explain the difference

guages, when they are not so close as to constitute merely a difference of dialect, belongs only to philologers. Who, till very lately, suspected that Sanskrit and English had any connexion with each other?

[2] He instances on the one hand, Domus, Ager, Aratrum, Vinum, Oleum, Lac, Bos, Sus, Ovis; while on the other hand, Duellum, Ensis, Hasta, Sagitta, &c., are quite different from the corresponding Greek terms. See Niebuhr, Rom. Gesch. Vol. I. p. 82. Ed. 1827.

The word "scutum" was, in the first edition of this work, introduced inadvertently into the list of Latin military terms, unconnected with Greek; as it is evidently of the same family with σκῦτος: but yet there are so many words of the same family in the other languages of the Indo-Germanic stock, that the connexion belongs rather to the general resemblance subsisting between all those languages, than to the closer likeness which may subsist between any two of them towards one another. And this more distant relationship exists, I doubt not, between the Oscan and even the Etruscan languages, and the other branches of the Indo-Germanic family; and so far Greek, as well as Sanskrit, Persian, or German, may be rightly used as an instrument to enable us to decypher the Etruscan inscriptions. Lanzi's fault consisted in assuming too close a resemblance between Greek and Etruscan; in supposing that they were sisters, rather than distant cousins.

between the Romans and Latins, to which the peculiar fates of the Roman people owe their origin. We must inquire, then, what the Romans were, which the other Latins were not; and as language cannot aid us here, we must have recourse to other assistance, to geography and national traditions. And thus, at the same time, we shall arrive at an answer to the second question in Roman history, What was the earliest form of civil society at Rome?

Distinct geographical position of Rome.

If we look at the map, we shall see that Rome lies at the farthest extremity of Latium, divided from Etruria only by the Tiber, and having the Sabines close on the north, between the Tiber and the Anio. No other Latin town, so far as we know, was built on the Tiber[3]; some were clustered on and round the Alban hills, others lined the coast of the Mediterranean, but from all these Rome, by its position, stood aloof.

Intermixture of Sabine and Etruscan institutions and people.

Tradition reports that as Rome was thus apart from the rest of the Latin cities, and so near a neighbour to the Etruscans and Sabines, so its population was in part formed out of one of these nations, and many of its rites and institutions borrowed from the other. Tradition describes the very first founders of the city as the shepherds and herdsmen of the

[3] I had forgotten what may be the single exception of Ficana, which, according to Festus, stood on the road to Ostia, at the eleventh milestone from Rome: that is, according to Sir W. Gell and others, at the spot now called Tenuta di Dragoncella. But Westphal places Ficana at Trafusa, which is at some distance from the Tiber; so that, according to him, the statement in the text would be absolutely correct.

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banks of the Tiber, and tells how their numbers were presently swelled by strangers and outcasts from all the countries round about. It speaks of a threefold division of the Roman people, in the very earliest age of its history; the tribes of the Ramnenses, Titienses, and Luceres. It distinctly acknowledges the Titienses to have been Sabines; and in some of its guesses at the origin of the Luceres, it connects their name with that of the Etruscan Lucumones[4], and thus supposes them to have been composed of Etruscans.

We know that for all points of detail, and for keeping a correct account of time, tradition is worthless. It is very possible that all Etruscan rites and usages came in with the Tarquinii, and were falsely carried back to an earlier period. But the mixture of the Sabines with the original people of the Palatine hill, cannot be doubted; and the stories of the asylum, and of the violence done to the Sabine women, seem to show that the first settlers of the Palatine were a mixed race, in which other blood was largely mingled with that of the Latins. We may conceive of this earlier people of Mamers, as of the Mamertini of a more historical period: that they were a band of resolute adventurers from various parts, practised in arms, and little scrupulous how they used them. Thus the origin of the highest Roman nobility may have greatly resembled that

[4] So Junius Gracchanus, as quoted by Varro, de L. L., V. sec. 55; and so also Cicero, de Republicâ, II. 8.

larger band of adventurers who followed the standard of William the Norman, and were the founders of the nobility of England.

Division of the Roman people into three tribes.

The people or citizens of Rome were divided into the three tribes of the Ramnenses, Titienses, and Luceres [5], to whatever races we may suppose them to belong, or at whatever time and under whatever circumstances they may have become united. Each of these tribes was divided into ten smaller bodies called curiæ; so that the whole people consisted of thirty curiæ: these same divisions were in war represented by the thirty centuries which made up the legion, just as the three tribes were represented by the three centuries of horsemen; but that the soldiers of each century were exactly a hundred, is apparently as unfounded a conclusion, as it would be if we were to argue in the same way as to the military force of one of our English hundreds.

Tribes made up of curiæ: curiæ of houses.

I have said that each tribe was divided into ten curiæ; it would be more correct to say, that the union of ten curiæ formed the tribe. For the state grew out of the junction of certain original elements; and these were neither the tribes, nor even the curiæ, but the gentes or houses which made up the curiæ. The first element of the whole system

[5] These in Livy's first book are called merely "Centuriæ equitum," ch. 13. But in the tenth book, ch. 6, they appear as "Antiquæ tribus." Both expressions come to the same thing, for the three centuries of horsemen, as appears by the story of Tarquinius Priscus and the augur, Attus Navius, were supposed to represent the three tribes, and their number was fixed on that principle: just as the thirty centuries of foot soldiers represented the thirty curiæ.

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in its aggregate capacity, these, as being its neighbours merely, and not its members, had no concern.

Such an inferior population, free personally, but subject politically, not slaves, yet not citizens, was the original Plebs, the commons of Rome.

Their settlement on the Aventine hill.

The mass of the Roman commons were conquered Latins[6]. These, besides receiving grants of a portion of their former lands, to be held by them as Roman citizens, had also the hill Aventinus assigned as a residence to those of them who removed to Rome. The Aventine was without the walls, although so near to them: thus the commons were, even in the nature of their abode, like the Pfalburger of the middle ages,—men not admitted to live within the city, but enjoying its protection against foreign enemies.

Members of the houses were the only citizens.

It will be understood at once, that whatever is said of the people in these early times, refers only to the full citizens, that is, to the members of the houses. The assembly of the people was the assembly of the curiæ; that is, the great council of the members of the houses; while the senate, consisting of two hundred senators, chosen in equal numbers from the two higher tribes of the Ramnenses and Titienses, was their smaller or ordinary council.

The king's power over the citizens, and over the commons.

The power of the king was as varied and ill defined as in the feudal monarchies of the middle ages. Over the commons he was absolute; but over the real people, that is, over the houses, his power was

[6] See Niebuhr's chapter "Die Gemeinde und die plebeischen Tribus."

absolute only in war, and without the city. Within the walls every citizen was allowed to appeal from the king, or his judges, to the sentence of his peers; that is, to the great council of the curiæ. The king had his demesne lands [7], and in war would receive his portion of the conquered land, as well as of the spoil of moveables.

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[7] Cicero de Republicâ, V. 3.

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was the gens or house, an union of several families who were bound together by the joint performance of certain religious rites. Actually, where a system of houses has existed within historical memory, the several families who composed a house were not necessarily related to one another; they were not really cousins more or less distant, all descended from a common ancestor. But there is no reason to doubt that in the original idea of a house, the bond of union between its several families was truly sameness of blood; such was likely to be the earliest acknowledged tie; although afterwards, as names are apt to outlive their meanings, an artificial bond may have succeeded to the natural one; and a house, instead of consisting of families of real relations, was made up sometimes of families of strangers, whom it was proposed to bind together by a fictitious tie, in the hope that law, and custom, and religion, might together rival the force of nature.

The houses and their clients.

Thus the state being made up of families, and every family consisting from the earliest times of members and dependents, the original inhabitants of Rome belonged all to one of two classes: they were either members of a family; and, if so, members of a house, of a curia, of a tribe, and so, lastly, of the state: or they were dependents on a family; and, if so, their relation went no further than the immediate aggregate of families, that is, the house: with the curia, with the tribe, and with the state, they had no connexion.

These members of families were the original citi-

zens of Rome; these dependents on families were the original clients.

The commons, or plebs.

The idea of clientship is that of a wholly private relation; the clients were something to their respective patrons, but to the state they were nothing. But wherever states composed in this manner, of a body of houses with their clients, had been long established, there grew up amidst, or close beside them, created in most instances by conquest, a population of a very distinct kind. Strangers might come to live in the land, or more commonly the inhabitants of a neighbouring district might be conquered, and united with their conquerors as a subject people. Now this population had no connexion with the houses separately, but only with a state composed of those houses: this was wholly a political, not a domestic relation; it united personal and private liberty with political subjection. This inferior population possessed property, regulated their own municipal as well as domestic affairs, and as free men fought in the armies of what was now their common country. But, strictly, they were not its citizens; they could not intermarry with the houses; they could not belong to the state, for they belonged to no house, and therefore to no curia, and no tribe; consequently they had no share in the state's government, nor in the state's property. What the state conquered in war became the property of the state, and therefore they had no claim to it: with the state demesne, with whatever in short belonged to the state

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[7] Cicero de Republicâ, V. 8.

CHAPTER III.

OF THE CITY OF ROME, ITS TERRITORY, AND ITS SCENERY.

"——— Muros, arcemque procul, ac rara domorum
Tecta vident.———
Hoc nemus, hunc, inquit, frondoso vertice collem,
Quis Deus incertum est, habitat Deus."

VIRGIL, Æn. VIII.

CHAP. III.

Early state of the city of Rome.

IF it is hard to carry back our ideas of Rome from its actual state to the period of its highest splendour, it is yet harder to go back in fancy to a time still more distant, a time earlier than the beginning of its authentic history, before man's art had completely rescued the very soil of the future city from the dominion of nature. Here also it is vain to attempt accuracy in the details, or to be certain that the several features in our description all existed at the same period. It is enough if we can image to ourselves some likeness of the original state of Rome, before the undertaking of those great works which are ascribed to the later kings.

The original Pomœrium.

The Pomœrium of the original city on the Palatine, as described by Tacitus[1], included not only the

[1] Tacitus, Annal. XII. 24.—It is evident, by the minuteness of his description, that the consecrated limits of the original city had

hill itself, but some portion of the ground immediately below it; it did not, however, reach as far as any of the other hills. The valley between the Palatine and the Aventine, afterwards the site of the Circus Maximus, was in the earliest times covered with water; so also was the greater part of the valley between the Palatine and the Capitoline, the ground afterwards occupied by the Roman forum.

been carefully preserved by tradition; and this is exactly one of the points on which, as we know by our own experience with regard to parish boundaries, a tradition kept up by yearly ceremonies, may safely be trusted. The exact line of this original Pomœrium is thus marked by Bunsen in his description of Rome, Vol. I. p. 137: "It set out from the Forum Boarium, the site of which is fixed by the Arch of Septimius Severus, at the Janus Quadrifons," (this must not be confounded with the Arch of Severus on the Via Sacra, just under the capitol,) "and passed through the valley of the circus, so as to include the Ara Maxima, as far as the Ara Consi, at the foot of the hill. It then proceeded from the Septizonium, (just opposite the church of S. Gregorio, at the foot of the Palatine,) till it came under the baths of Trajan, (or Titus,) which were the Curiæ Veteres. From thence it passed on to the top of the Velia, on which the arch of Titus now stands, and where Tacitus places the Sacellum Larium." It followed nearly the line of the Via Sacra as far as the eastern end of the Forum Romanum. But Tacitus does not mention it as going on to join the Forum Boarium, because in the earliest times this valley was either a lake or a swamp, and the Pomœrium could not descend below the edge of the Palatine hill. Nibby, in his work on the walls of Rome, places the Curiæ Veteres on the Palatine, and the Sacellum Larium between the Arch of Titus and the Forum on the Via Nova. The position of the Curiæ Veteres is certainly doubtful. Niebuhr himself (Vol. I. p. 283. Note 735. Eng. Tr.) thinks that the Pomœrium can scarcely be carried so far as the foot of the Esquiline; and the authority for identifying the Curiæ Veteres with the site of the Baths of Titus or Trajan is not decisive; for it only appears that Biondo writing in 1440 calls the ruins of the Baths "Curia Vecchia," and says that in old legal instruments they were commonly so called. (Beschreibung Roms, Vol. III. part 2, p. 222.) Now considering the general use of the word Curia, and that the name is in the singular number, it by no means follows that Biondo's Curia Vetus must be the Curiæ Veteres of Tacitus.

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The original seven hills.

But the city of the Palatine hill grew in process of time, so as to become a city of seven hills. Not the seven famous hills of imperial or republican Rome, but seven spots more or less elevated, and all belonging to three only of the later seven hills, that is, to the Palatine, the Cælian, and the Esquiline. These first seven hills of Rome were known by the names of Palatium, Velia, Cermalus, Cælius, Fagutal, Oppius, and Cispius [2]. Of this town the Aventine formed a suburb; and the dyke of the Quirites, ascribed in the story to Ancus Marcius, ran across the valley from the edge of the Aventine to that of the Cælian hill near the Porta Capena [3].

They did not include all the seven hills of the later city.

At this time Rome, though already a city on seven hills, was distinct from the Sabine city on the Capitoline, Quirinal, and Viminal hills. The two cities, although united under one government, had

[2] For the account of this old Septimontium, see Festus under the word "Septimontio." Festus adds an eighth name, Suburra. Niebuhr conjectures that the inhabitants of the Pagus Sucusanus, (which was the same district as the Suburra, and lay under the Esquiline and Viminal hills, near the church of S. Francesco di Paola, where a miserable sort of square is still called Piazza Suburra,) may have joined in the festival of the inhabitants of these seven hills or heights, although they were not themselves "Montani," (see Varro de L. L., VI. 24. Ed. Müller,) to show that they belonged to the city of the Palatine, and not to the Sabine city of the Capitoline hill. For the exact situations of the other seven spots, see Bunsen, description of Rome, Vol. I. p. 141. Velia was the ascent on the north-east side of the Palatine, where the Arch of Titus now stands. Cermalus, or Germalus, was on the north-west side of the Palatine just above the Velabrum: Fagutal is thought to have been the ground near the Porta Esquilina, between the Arch of Gallienus and the Sette Sale. Oppius and Cispius were also parts of the Esquiline; the former is marked by the present church of S. Maria Maggiore, and the latter lay between that church and the baths of Diocletian.

[3] See Niebuhr, Vol. I. p. 403. Ed. 2nd, and Bunsen, Beschreibung Roms, Vol. I. p. 620.

still a separate existence; they were not completely blended into one till that second period in Roman history which we shall soon have to consider, the reigns of the later kings.

The Ager Romanus.

The territory of the original Rome during its first period, the true Ager Romanus, could be gone round in a single day[4]. It did not extend beyond the Tiber at all, nor probably beyond the Anio; and, on the east and south, where it had most room to spread, its limit was between five and six miles from the city. This Ager Romanus was the exclusive property of the Roman people, that is of the houses; it did not include the lands conquered from the Latins, and given back to them again when the Latins became the plebs or commons of Rome. According to the augurs[5], the Ager Romanus was a peculiar district in a religious sense; auspices could be taken within its bounds, which could be taken no where without them.

Scenery of the neighbourhood of Rome.

And now what was Rome, and what was the country around it, which have both acquired an interest such as can cease only when earth itself shall perish? The hills of Rome are such as we rarely see in England, low in height but with steep and rocky sides[6]. In early times the natural wood still re-

[4] See Strabo, Lib. V. p. 253. Ed. Xyland, and compare Livy, I. 23. "Fossa Cluilia, ab Urbe haud plus quinque millia." And II. 39. "Ad Fossas Cluilias V. ab Urbe M. P. castris positis, populatur *inde Agrum Romanum*."

[5] See Varro de L.L., V. 33. Ed. Müller.

[6] The substance of this description, taken from my journals and recollections of my visit to Rome in 1827, was inserted some time since in the History of Rome published by the Society for the Diffusion of Useful Knowledge. I am obliged to mention this, lest I might be suspected of having borrowed from another work without acknowledgment what was in fact furnished to that work by myself.

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mained in patches amidst the buildings, as at this day it grows here and there on the green sides of the Monte Testacco. Across the Tiber the ground rises to a greater height than that of the Roman hills, but its summit is a level unbroken line, while the heights, which opposite to Rome itself rise immediately from the river, under the names of Janiculus and Vaticanus, then sweep away to some distance from it, and return in their highest and boldest form at the Monte Mario, just above the Milvian bridge and the Flaminian road. Thus to the west the view is immediately bounded; but to the north and north-east the eye ranges over the low ground of the Campagna to the nearest line of the Apennines, which closes up, as with a gigantic wall, all the Sabine, Latin, and Volscian lowlands, while over it are still distinctly to be seen the high summits of the central Apennines, covered with snow, even at this day, for more than six months in the year. South and south-west lies the wide plain of the Campagna; its level line succeeded by the equally level line of the sea, which can only be distinguished from it by the brighter light reflected from its waters. Eastward, after ten miles of plain, the view is bounded by the Alban hills, a cluster of high bold points rising out of the Campagna, like Arran from the sea, on the highest of which, at nearly the same height with the summit of Helvellyn[7], stood the Temple of Jupiter Latiaris, the scene of the com-

[7] The height of the Monte Cavo is variously given at 2938 or 2965 French feet. See Bunsen, Vol. I. p. 40. Helvellyn is reckoned at 3055 English feet, by Col. Mudge; by Mr. Otley, in his Guide to the Lakes, it is estimated at 3070.

mon worship of all the people of the Latin name. Immediately under this highest point lies the crater-like basin of the Alban lake; and on its nearer rim might be seen the trees of the grove of Ferentia, where the Latins held the great civil assemblies of their nation. Further to the north, on the edge of the Alban hills looking towards Rome, was the town and citadel of Tusculum; and beyond this, a lower summit crowned with the walls and towers of Labicum seems to connect the Alban hills with the line of the Apennines just at the spot where the citadel of Præneste, high up on the mountain side, marks the opening into the country of the Hernicans, and into the valleys of the streams that feed the Liris.

Character of the Campagna.

Returning nearer to Rome, the lowland country of the Campagna is broken by long green swelling ridges, the ground rising and falling, as in the heath country of Surrey and Berkshire. The streams are dull and sluggish, but the hill sides above them constantly break away into little rocky cliffs, where on every ledge the wild fig now strikes out its branches, and tufts of broom are clustering, but which in old times formed the natural strength of the citadels of the numerous cities of Latium. Except in these narrow dells, the present aspect of the country is all bare and desolate, with no trees nor any human habitation. But anciently, in the time of the early kings of Rome, it was full of independent cities, and in its population and the careful cultivation of its little garden-like farms, must have resembled the most flourishing parts of Lombardy or the Netherlands.

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Such was Rome, and such its neighbourhood; such also, as far as we can discover, was the earliest form of its society, and such the legends which fill up the place of its lost history. Even for the second period, on which we are now going to enter, we have no certain history; but a series of stories as beautiful as they are unreal, and a few isolated political institutions, which we cannot confidently connect with their causes or with their authors. As before then, I must first give the stories in their oldest and most genuine form; and then offer, in meagre contrast, all that can be collected or conjectured of the real history.

CHAPTER IV.

STORIES OF THE LATER KINGS.

" Quis novus hic nostris successit sedibus hospes ?
Quem sese ore ferens, quam forti pectore et armis ?"
VIRGIL, Æn. IV.

STORY OF L. TARQUINIUS PRISCUS.

CHAP. IV.
Of the birth of Tarquinius, and how he came to Rome.

IN the days of Ancus Marcius there came to Rome from Tarquinii, a city of Etruria, a wealthy Etruscan and his wife [1]. The father of this stranger was a Greek [2], a citizen of Corinth, who left his native land because it was oppressed by a tyrant, and found a home at Tarquinii. There he married a noble Etruscan lady, and by her he had two sons. But his son found, that for his father's sake he was still looked upon as a stranger; so he left Tarquinii, and went with his wife Tanaquil to Rome, for there, it was said, strangers were held in more honour. Now as he came near to the gates of Rome, as he was sitting in his chariot with Tanaquil his wife, an eagle came and plucked the cap from his head, and bore it aloft into the air; and then flew down again

[1] Livy, I. 34.
[2] Livy, ibid. Dionys. III. 46—48. Cicero de Republicâ, II. 19.

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and placed it upon his head, as it had been before. So Tanaquil was glad at this sight, and she told her husband, for she was skilled in augury, that this was a sign of the favour of the gods, and she bade him be of good cheer, for that he would surely rise to greatness.

Of his favour with king Ancus.

Now when the stranger came to Rome, they called him Lucius Tarquinius [3]; and he was a brave man and wise in council; and his riches won the good word of the multitude; and he became known to the king. He served the king well in peace and war, so that Ancus held him in great honour, and when he died he named him by his will to be the guardian of his children.

Of his deeds in war.

But Tarquinius was in great favour with the people; and when he desired to be king, they resolved to choose him rather than the sons of Ancus. So he began to reign, and he did great works both in war and peace. He made war on the Latins, and took from them a great spoil [4]. Then he made war on the Sabines, and he conquered them in two battles, and took from them the town of Collatia, and gave it to Egerius, his brother's son, who had come with him from Tarquinii. Lastly, there was another war with the Latins, and Tarquinius went round to their cities, and took them one after another; for none dared to go out to meet him in open battle. These were his acts in war.

[3] Cicero, Livy, and Dionysius, in locis citatis.

[4] Livy, I. 35—38.

He also did great works in peace[5]; for he made vast drains to carry off the water from between the Palatine and the Aventine, and from between the Palatine and the Capitoline Hills. And in the space between the Palatine and the Aventine, after he had drained it, he formed the Circus, or great race-course, for chariot and for horse races. Then in the space between the Palatine and the Capitoline he made a forum or market-place, and divided out the ground around it for shops or stalls, and made a covered walk round it. Next he set about building a wall of stone to go round the city; and he laid the foundations of a great temple on the Capitoline Hill, which was to be the temple of the gods of Rome. He also added a hundred new senators to the senate, and doubled the number of the horsemen in the centuries of the Ramnenses, Titienses, and Luceres, for he wanted to strengthen his force of horsemen; and when he had done so, his horse gained him great victories over his enemies.

Of his works in peace.

Now he first had it in his mind to make three new centuries of horsemen, and to call them after his own name. But Attus Navius, who was greatly skilled in[6] augury, forbade him. Then the king mocked at his art, and said, "Come now, thou augur, tell me by thy auguries, whether the thing which I now have in my mind may be done or not." And Attus Navius asked counsel of the gods by augury, and he an-

Of the famous augur, Attus Navius.

[5] Livy, I. 38. 35. Dionysius, III. 67, 68.

[6] Livy, I. 36. Dionysius, III. 70, 71. Cicero de Divinat. I. 17. § 32.

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swered, "It may." Then the king said, "It was in my mind that thou shouldst cut in two this whetstone with this razor. Take them, and do it, and fulfil thy augury if thou canst." But Attus took the razor and the whetstone, and he cut, and cut the whetstone asunder. So the king obeyed his counsels, and made no new centuries; and in all things afterwards he consulted the gods by augury, and obeyed their bidding.

How Tarquinius chose Servius Tullius to be his heir, and how he was murdered by the sons of king Ancus.

Tarquinius reigned long and prospered greatly; and there was a young man brought up in his household, of whose birth some told wonderful tales, and said that he was [7] the son of a god; but others said [8] that his mother was a slave, and his father was one of the king's clients. But he served the king well, and was in favour with the people, and the king promised him his daughter in marriage. The young man was called Servius Tullius. But when the sons of king Ancus saw that Servius was so loved by king Tarquinius, they resolved to slay the king, lest he should make this stranger his heir, and so they should lose the crown for ever. So they [9] set on two shepherds to do the deed, and these went to the king's palace, and pretended to be quarrelling with each other, and both called on the king to do them right. The king sent for them to hear their story: and while he was hearing one of them speak, the other struck him on the head with his hatchet, and then both of them fled. But Tanaquil, the king's wife, pretended

[7] Dionysius, IV. 2. Ovid, Fasti, VI. 627.

[8] Cicero de Repub. II. 21.

[9] Livy, I. 40.

that he was not dead, but only stunned by the blow; and she said that he had appointed Servius Tullius to rule in his name, till he should be well again. So Servius went forth in royal state, and judged causes amidst the people, and acted in all things as if he were king, till after a while it was known that the king was dead, and Servius was suffered to reign in his place. Then the sons of Ancus saw that there was no hope left for them; and they fled from Rome, and lived the rest of their days in a foreign land.

THE STORY OF SERVIUS TULLIUS.

Long live the Commons' King, King James.—
LADY OF THE LAKE.

How king Servius enlarged the city.

Servius Tullius was a just and good king[10]; he loved the commons, and he divided among them the lands which had been conquered in war, and he made many wise and good laws, to maintain the cause of the poor, and to stop the oppression of the rich. He made war with the Etruscans[11], and conquered them. He added the Quirinal and the Viminal Hills[12] to the city, and he brought many new citizens to live on the Esquiline; and there he lived himself amongst them. He also raised a great mound of earth to join the Esquiline and the Quirinal and the Viminal Hills together, and to cover them from the attacks of an enemy.

He built a temple[13] of Diana on the Aventine,

[10] Dionysius, IV. 13—15. 40.
[11] Livy, I. 42.
[12] Livy, I. 43.
[13] Livy, I. 45.

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where the Latins, and the Sabines, and the Romans, should offer their common sacrifices; and the Romans were the chief in rank amongst all who worshipped at the temple.

Of his good laws, and how he divided the people into classes and centuries.

He made a new order of things for the whole[14] people; for he divided the people of the city into four tribes, and the people of the country into six-and-twenty. Then he divided all the people into classes, according to the value of their possessions; and the classes he divided into centuries; and the centuries of the several classes furnished themselves with arms, each according to their rank and order: the centuries of the rich classes had good and full armour, the poorer centuries had but darts and slings. And when he had done all these works, he called all the people together in their centuries, and asked if they would have him for their king; and the people answered that he should be their king. But the nobles hated him, because he was so loved by the commons; for he had made a law that there should be no king after him, but two men chosen by the people to govern them year by year. Some even said that it was in his mind to give up his own kingly power, that so he might see with his own eyes the fruit of all the good laws that he had made, and might behold the people wealthy and free and happy.

How he married his two daughters to the two sons of king Tarquinius.

Now king Servius had no son[15], but he had two daughters; and he gave them in marriage to the

[14] Dionysius, IV. 16—20. Livy, I. 43. Cicero de Republicâ, II. 22.

[15] Livy, I. 46.

two sons of king Tarquinius. These daughters were of very unlike natures, and so were their husbands: for Aruns Tarquinius was of a meek and gentle spirit, but his brother Lucius was proud and full of evil; and the younger Tullia, who was the wife of Aruns, was more full of evil than his brother Lucius; and the elder Tullia, who was the wife of Lucius, was as good and gentle as his brother Aruns. So the evil could not bear the good, but longed to be joined to the evil that was like itself: and Lucius slew his wife secretly, and the younger Tullia slew her husband, and then they were married to one another, that they might work all the wickedness of their hearts, according to the will of fate.

How Lucius Tarquinius plotted against him, and caused him to be murdered.

Then Lucius plotted with the nobles[15], who hated the good king; and he joined himself to the sworn brotherhoods of the young nobles, in which they bound themselves to stand by each other in their deeds of violence and of oppression. When all was ready, he waited for the season of the harvest, when the commons[16], who loved the king, were in the fields getting in their corn. Then he went suddenly to the forum with a band of armed men, and seated himself on the king's throne before the doors of the senate-house, where he was wont to judge the people. And they ran to the king, and told him that Lucius was sitting on his throne. Upon this the old man[17] went in haste to the forum, and when he saw Lucius, he asked him wherefore he had dared

[15] Livy, I. 46. Dionysius, IV. 30.
[16] Dionysius, IV. 38.
[17] Livy, I. 48.

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to sit on the king's seat. And Lucius answered, that it was his father's throne, and that he had more right in it than Servius. Then he seized the old man, and threw him down the steps of the senate-house to the ground; and he went into the senate-house, and called together the senators, as if he were already king. Servius meanwhile arose, and began to make his way home to his house; but when he was come near to the Esquiline Hill, some whom Lucius had sent after him overtook him and slew him, and left him in his blood in the middle of the way.

How the wicked Tullia drove her chariot over her father's dead body.

Then the wicked Tullia[18] mounted her chariot, and drove into the forum, nothing ashamed to go amidst the multitude of men, and she called Lucius out from the senate-house, and said to him, "Hail to thee, King Tarquinius!" But Lucius bade her to go home; and as she was going home, the body of her father was lying in the way. The driver of the chariot stopped short, and showed to Tullia where her father lay in his blood. But she bade him drive on, for the furies of her wickedness were upon her, and the chariot rolled over the body; and she went to her home with her father's blood upon the wheels of her chariot. Thus Lucius Tarquinius and the wicked Tullia reigned in the place of the good king Servius.

[18] Livy, I. 48.

THE STORY OF LUCIUS TARQUINIUS THE TYRANT.

Τύραννος——νόμαιά τε κινεῖ πάτρια, καὶ βιᾶται γυναῖκας, κτείνει τε ἀκρίτους.—HERODOTUS, III. 80.

——Superbos
Tarquini fasces.—HORACE, Carm. I. 12.

Of king Tarquinius and his great power.

Lucius Tarquinius gained his power wickedly, and no less wickedly did he exercise it. He kept a guard[19] of armed men about him, and he ruled all things at his own will: many were they whom he spoiled of their goods, many were they whom he banished, and many also whom he slew. He despised the senate, and made no new senators in the place of those whom he slew, or who died in the course of nature, wishing that the senators might become fewer and fewer, till there should be none of them left. And he made friends of the chief men among the Latins, and gave his daughter in marriage to Octavius Mamilius of Tusculum; and he became very powerful amongst the Latins, insomuch that when Turnus Herdonius of Aricia had dared to speak against him in the great assembly of the Latins, Tarquinius accused him of plotting his death, and procured false witnesses to confirm his charge; so that the Latins judged him to be guilty, and ordered him to be drowned. After this they were so afraid of Tarquinius, that they made a league with him, and followed him in his wars wherever he chose to lead them. The Her-

[19] Livy, I. 49—52.

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nicans[20] also joined this league, and so did Ecetra and Antium, cities of the Volscians.

Of his buildings, and how he prepared the ground for his new temple.

Then Tarquinius made war upon the rest of the Volscians, and he took[21] Suessa Pometia, in the lowlands of the Volscians, and the tithe of the spoil was forty talents of silver. So he set himself to raise mighty works in Rome; and he finished what his father had begun; the great drains to drain the low grounds of the city, and the temple on the Capitoline Hill. Now the ground on which he was going to build his temple, was taken up with many holy places of the gods of the Sabines, which had been founded in the days of king Tatius. But Tarquinius consulted the gods by augury whether he might not take away these holy places, to make room for his own new temple. The gods allowed him to take away all the rest, except only the holy places of the god of Youth[22], and of Terminus the god of boundaries, which they would not suffer him to move. But the augurs said that this was a happy omen, for that it showed how the youth of the city should never pass away, nor its boundaries be moved by the conquest of an enemy. A human head was also found, as they were digging the foundations of the temple, and this too was a sign that the Capitoline Hill should be the head of all the earth. So Tarquinius built a mighty temple, and consecrated it to Jupiter[23], and to Juno, and to Minerva, the greatest of the gods of the Etruscans.

[20] Dionysius, IV. 49.
[21] Livy, I. 53. 55, 56.
[22] Dionysius, III. 69. He tells the story of the elder Tarquinius.
[23] Dionysius, IV. 61.

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Of the strange woman who brought the books of the Sibyl to the king.

At this time there came a strange woman[24] to the king, and offered him nine books of the prophecies of the Sibyl for a certain price. When the king refused them, the woman went and burnt three of the books, and came back and offered the six at the same price which she had asked for the nine; but they mocked at her, and would not take the books. Then she went away, and burnt three more, and came back and asked still the same price for the remaining three. At this the king was astonished, and asked of the augurs what he should do. They said that he had done wrong in refusing the gift of the gods, and bade him by all means to buy the books that were left. So he bought them; and the woman who sold them was seen no more from that day forwards. Then the books were put into a chest of stone, and were kept under ground in the Capitol, and two men[25] were appointed to keep them, and were called the two men of the sacred books.

How Tarquinius won Gabii through the treachery of his son Sextus.

Now Gabii[26] would not submit to Tarquinius, like the other cities of the Latins; so he made war against it; and the war was long, and Tarquinius knew not how to end it. So his son Sextus Tarquinius pretended that his father hated him, and fled to Gabii: and the people of Gabii believed him and trusted him, till at last he betrayed them into his father's power. A treaty was then made with them, and he

[24] Dionysius, IV. 62. A. Gellius, I. 19.

[25] See Livy, III. 10, and VI. 37. Dionysius gives "Ten," which was the later number. Gellius gives "Fifteen."

[26] Livy, I. 53, 54.

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gave them the right of becoming citizens of Rome[27], and the Romans had the right of becoming citizens of Gabii, and there was a firm league between the two people.

How he oppressed his people, and made them work like slaves.

Thus Tarquinius was a great and mighty king; but he grievously oppressed the poor, and he took away all the good laws of king Servius, and let the rich oppress the poor, as they had done before the days of Servius. He made the people labour at his great works: he made them build his temple, and dig and construct his drains; and he laid such burdens[28] on them, that many slew themselves for very misery; for in the days of Tarquinius the tyrant it was happier to die than to live.

[27] Dionysius, IV. 58.
[28] Cassius Hemina, quoted by Servius, Æn. XII. 603.

CHAPTER V.

THE HISTORY OF THE LATER KINGS OF ROME, AND OF THE GREATNESS OF THE MONARCHY.

Ἐπὶ μέγα ἦλθεν ἡ βασιλεία ἰσχύος.—THUCYD. II. 97.

Ἀποφαίνω οὔτε τοὺς ἄλλους οὔτε αὐτοὺς Ἀθηναίους περὶ τῶν σφετέρων τυράννων ἀκριβὲς οὐδὲν λέγοντας.—THUCYD. VI. 54.

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The accounts even of the later kings are not historical.

THE stories of the two Tarquinii and of Servius Tullius are so much more disappointing than those of the earlier kings, inasmuch as they seem at first to wear a more historical character, and as they really contain much that is undoubtedly true; but yet, when examined, they are found not to be history, nor can any one attach what is real in them to any of the real persons by whom it was effected. The great drains or cloacæ of Rome exist to this hour, to vouch for their own reality; yet of the Tarquinii, by whom they are said to have been made, nothing is certainly known. So also the constitution of the classes and centuries is as real as Magna Charta or the Bill of Rights; yet its pretended author is scarcely a more historical personage than king Arthur; we do not even know his name or race, whether he

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were Servius Tullius, or Mastarna[1], a Latin or an Etruscan; the son of a slave reared in the palace of the Roman king, or a military adventurer who settled at Rome, together with his companions in arms, and was received with honour for his valour. Still less can we trust the pretended chronology of the common story. The three last reigns, according to Livy, occupied a space of 107 years; yet the king, who at the end of this period is expelled in mature but not in declining age, is the son of the king who ascends the throne a grown man in the vigour of life at the beginning of it: Servius marries the daughter of Tarquinius, a short time before he is made king, yet immediately after his accession he is the father of two grown-up daughters, whom he marries to the brothers of his own wife: the sons of Ancus Marcius wait patiently eight-and-thirty years, and then murder Tarquinius to obtain a throne which they had seen him so long quietly occupy. Still then we are in a manner upon enchanted ground; the unreal and the real are strangely mixed up together: but although some real elements exist, yet the general picture before us is a mere fantasy: single trees and buildings may be copied from nature, but their grouping is ideal, and they are placed in the

[1] This is the name by which he was called in the Etruscan histories, quoted by the emperor Claudius in his speech upon admitting the Gauls to the Roman franchise. This speech was engraved on a brass plate, and was dug up at Lyons about two centuries since, and is now preserved in that city. It was printed by Brotier at the end of his edition of Tacitus, and has been also published in the collections of inscriptions.

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midst of fairy palaces and fairy beings, whose originals this earth has never witnessed.

Three points connected with the three last reigns must be treated historically.

The reigns of the later Roman kings contain three points which require to be treated historically. 1st, The foreign dominion and greatness of the monarchy. 2nd, The change introduced in the religion of Rome. And 3rd, The changes effected in the constitution, especially the famous system of the classes and centuries, usually ascribed to Servius Tullius.

I. The greatness of the monarchy. Its great works. The walls of Servius Tullius.

I. The dominion and greatness of the monarchy are attested by two sufficient witnesses; the great works completed at this period, and still existing; and the famous treaty with Carthage, concluded under the first consuls of the Commonwealth, and preserved to us by Polybius. Under the last kings the city of Rome reached the limits which it retained through the whole period of the Commonwealth, and the most flourishing times of the empire. What are called the walls of Servius Tullius continued to be the walls of Rome for nearly eight hundred years, down to the emperor Aurelian. They enclosed all those well-known seven hills, whose fame has so utterly eclipsed the seven hills already described of the smaller and more ancient city. They followed[2] the outside edge of the Quirinal, Capitoline, Aventine, and Cælian Hills, passing directly across the low grounds between the hills, and thus running parallel to the Tiber between the Capitoline and the Aven-

[2] See the account of the walls of Servius in Bunsen's Rome, vol. i. p. 623, et seqq. with the accompanying map, plate I. in the volume of plates.

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tine, without going[3] down to the very banks. From the outer or southern side of the Cælian they passed round by the eastern side of the hill to the southern side of the Esquiline; and here, upon some of the highest ground in Rome, was raised a great rampart or mound of earth, with towers on the top of it, stretching across from the southern side of the Esquiline to the northern side of the Quirinal. For the Esquiline and Quirinal Hills, as well as the Viminal, which lies between them, are not isolated like the four others, but are like so many promontories running out parallel to one another from one common base[4], and the rampart passing along the highest part

[3] It is on this point that the German topographers of Rome differ from Nibby, and from all the common plans of ancient Rome, which make the walls go quite down to the river. Their reasons are, 1st, the description of the departure of the 300 Fabii, who are made to leave the city by the Porta Carmentalis; but if the walls came close down to the river, they must have re-entered the city again to cross by the Pons Sublicius: and 2nd, Varro's statement, that one end of the Circus Maximus abutted upon the city wall; and that the fish-market was just on the outside of the wall. The first argument seems to me valid; the second cannot be insisted on, because the text of Varro in both places is extremely doubtful. See Varro de L. L., V. § 146. 153. Ed. Müller.

[4] The back of a man's hand when slightly bent, and held with the fingers open, presents an exact image of this part of Rome. The fingers represent the Esquiline, Viminal, and Quirinal, and a line drawn across the hand just upon the knuckles would show the rampart of Servius Tullius. The ground on the outside of the rampart falls for some way like the surface of the hand down to the wrist, and the later wall of Aurelian passed over the wrist instead of over the knuckles, at the bottom of the slope instead of the top of it.

This comparison was suggested to me merely by a view of the ground. It is a strong presumption in favour of its exactness, that the same resemblance struck Brocchi also. Speaking of the Pincian, Quirinal, Viminal, and Esquiline Hills, he adds; "Per darne una sensibile imagine non saprei meglio paragonarle che alle dita di una mano raffigurando la palma il mentovato piano a cui tutte si attaccano."

Suolo di Roma, p. 84.

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of this base formed an artificial boundary, where none was marked out by nature. The circuit of these walls is estimated at about seven Roman miles.

The line of the mound or rampart may still be distinctly traced, and the course and extent of the walls can be sufficiently ascertained; but very few remains are left of the actual building. But the masonry with which the bank of the Tiber was built up, a work ascribed to the elder Tarquinius, and resembling the works of the Babylonian kings along the banks of the Euphrates, is still visible. So also are the massy substructions of the Capitoline temple, which were made in order to form a level surface for the building to stand on, upon one of the two summits of the Capitoline Hill. Above all, enough is still to be seen of the great Cloaca or drain, to assure us that the accounts left us of it are not exaggerated. The foundations of this work were laid about forty feet under ground, its branches were carried under a great part of the city, and brought at last into one grand trunk which ran down into the Tiber exactly to the west of the Palatine Hill. It thus drained the waters of the low grounds on both sides of the Palatine; of the Velabrum, between the Palatine and the Aventine; and of the site of the forum between the Palatine and the Capitoline. The stone employed in the Cloaca is in itself a mark of the great antiquity of the work; it is[5] not the

The Cloaca Maxima.

[5] It is the "Tufa litoide" of Brocchi; one of the volcanic formations which is found in many places in Rome. Brocchi is positive that this is the stone employed in the Cloaca; and the

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peperino of Gabii and the Alban Hills, which was the common building stone in the time of the Commonwealth; much less the travertino, or limestone of the neighbourhood of Tibur, the material used in the great works of the early emperors; but it is the stone found in Rome itself, a mass of volcanic materials coarsely cemented together, which afterwards was supplanted by the finer quality of the peperino. Such a work as the Cloaca proves the greatness of the power which effected it, as well as the character of its government. It was wrought by taskwork, like the great works of Egypt; and stories were long current of the misery and degradation which it brought upon the people during its progress. But this taskwork for these vast objects shows a strong and despotic government, which had at its command the whole resources of the people; and such a government could hardly have existed, unless it had been based upon some considerable extent of dominion.

Treaty with Carthage.

What the Cloaca seems to imply, we find conveyed in express terms in the treaty with Carthage[6]. As this treaty was concluded in the very first year of the Commonwealth, the state of things to which it refers must clearly be that of the latest period of the monarchy. It appears, then, that the whole coast[7]

masses of it, he adds, taken from the older walls of Servius, are still to be seen in the present walls not far from the Porta S. Lorenzo.

Suolo di Roma, p. 112.

[6] Polybius, III. 22. See Niebuhr, Vol. I. p. 556, ed. 2nd.

[7] Niebuhr supposes that the coast eastward of Terracina was also included at this time under the name of Latium, because the

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of Latium was at this time subject to the Roman dominion: Ardea, Antium, Circeii, and Terracina[8], are expressly mentioned as the subject allies (ὑπήκοοι) of Rome. Of these, Circeii is said in the common story to have been a Roman colony founded by the last Tarquinius; but we read of it no less than of the others as independent, and making peace or war with Rome, during the Commonwealth down to a much later period. Now it is scarcely conceivable that the Romans could thus have been masters of the whole coast of Latium, without some corresponding dominion in the interior: and we may well

treaty speaks of a part of Latium which was not subject to Rome, and because the name of Campania was not yet in existence. But if Polybius has translated his original correctly, the expression ἐάν τινες μὴ ὦσιν ὑπήκοοι would rather seem to provide for the case of a Latin city's revolting from Rome and becoming independent, and for an uncertain state of relations between Rome and Latium, such as may well be supposed to have followed the expulsion of Tarquinius; a state in which the Romans could not know what Latin cities would remain faithful to the new government, and what would take part with the exiled king. On the other hand there is no authority for extending the limits of Latium beyond Terracina. The name Campania, it is true, did not exist so early, but Thucydides calls Cuma a city of Opicia, not of Latium; and the Volscians or Auruncans must have already occupied the country on the Liris, and between that river and Terracina, although their conquests of Terracina itself as well as of Antium took place some years later. For the annals speak of Cora and Pometia revolting to the Aurunci as early as the year 251, which shows that they must at that time have been powerful in the neighbourhood of Latium; not to mention the alleged Volscian conquests of the last king Tarquinius in the lowlands even of Latium proper.

[8] A fourth name is added in the MSS. of Polybius, Ἀρεντίνων. The editors have generally adopted Ursini's correction, Λαυρεντίνων: Niebuhr proposes Ἀρικηνῶν, observing that Aricia was a much more important place than Laurentum, and that Arician merchant vessels are mentioned by Dionysius, VII. 6. Yet Laurentum appears as one of the thirty Latin states which concluded the treaty with Sp. Cassius; and Larentum and Laurentum are but different forms of the same word, as appears in the name of the wife of Faustulus, who is called both Larentia and Laurentia.

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believe that Rome was at this time the acknowledged head of the Latin cities, and exercised a power over them more resembling the sovereignty of Athens over her allies than the moderate supremacy of Lacedæmon. On the right bank of the Tiber the Romans seem to have possessed nothing on the coast; but the stories of Etruscan conquests, which we find in the common accounts of Servius Tullius, are so far justified by better testimony as to make it probable that in the direction of Veii the Roman dominion[9] had reached beyond the Tiber, and that the territory thus gained from the Etruscans formed a very consi-

[9] Müller in his very able work on the Etruscans believes rather that the later reigns of the Roman kings represent a period in which an Etruscan dynasty from Tarquinii ruled in Rome, and extended its power far over Latium; so that it was a dominion of Etruscans over Latins rather than the contrary. He considers this dominion to have been interrupted by the reign of Ser. Tullius, or Mastarna, an Etruscan chief from Volsinii, of a party wholly opposed to that of the princes or Lucumones of Tarquinii; and then to have been restored and exercised more tyrannically than ever, in the time described by the Roman writers as the reign of Tarquinius the tyrant. Finally, the expulsion of the Tarquinii he regards as the decline of the power of the city Tarquinii, and the restoration of the independence of the Latin states, Rome being one of this number, which had been hitherto in subjection to it.—Etrusker, Vol. I. p. 115, et seqq.

I need not say that this is contrary to the opinion of Niebuhr, who believes the Tarquinii to have been Latins, and not Etruscans. But I should agree with Müller, in regarding the reigns of the two Tarquinii as a period during which an Etruscan dynasty ruled in Rome, introducing Etruscan rites, arts, and institutions. It is wholly another question whether these princes regarded Rome as their capital or Tarquinii; but the probability is, that they were kings of Rome, and they may very possibly have used the help of their Latin subjects even to make conquests for them in Etruria; just as the Norman kings of England soon found that England was more than Normandy, and Henry I. conquered Normandy from his brother, chiefly by the help of English men and money. And yet we retain the marks of the Norman conquest impressed on every part of our institutions down to this very hour.

derable part of the whole territory of Rome. It is well known that the number of local tribes established by the later kings was thirty; whereas a few years after the beginning of the Commonwealth we find them reduced to twenty. Now, as even the common account of the war with Porsenna describes the Romans as giving up to the Veientians a portion of territory formerly conquered from them, it becomes a very probable conjecture that the Etruscans, soon after the expulsion of the kings, recovered all the country which the kings had taken from them; and that this was so considerable in extent, that by its loss the actual territory of the Roman people was reduced by one-third from what it had been before.

Probable connexion of Rome with Etruria.

It may thus be considered certain that Rome under its last kings was the seat of a great monarchy, extending over the whole of Latium on the one side, and possessing some considerable territory in Etruria on the other. But how this dominion was gained it is vain to inquire. There are accounts which represent all the three last kings of Rome, Servius Tullius no less than the two Tarquins, as of Etruscan origin. Without attempting to make out their history as individuals, it is probable that the later kings were either by birth, or long intercourse, closely connected with Etruria, inasmuch as at some early period of the Roman history the religion and usages of the Etruscans gave a deep and lasting colouring to those of Rome; and yet it could not have been at the very origin of the Roman people, as the Etruscan language has left no traces of itself in the Latin;

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whereas if the Romans had been in part of Etruscan origin, their language, no less than their institutions, would have contained some Etruscan elements. The Etruscan influence, however introduced, produced some effects that were lasting, and others that were only temporary; it affected the religion of Rome, down to the very final extinction of paganism; and the state of the Roman magistrates[10], their lictors, their ivory chairs, and their triumphal robes, are all said to have been derived from Etruria. A temporary effect of Etruscan influence may perhaps be traced in the overthrow of the free constitution ascribed to Servius Tullius, in the degradation of the Roman commons under the last king, and in the endeavours of the patricians to keep them so degraded during all the first periods of the Commonwealth. It is well known that the government in the cities of Etruria was an exclusive aristocracy, and that the commons, if in so wretched a condition they may be called by that honourable name, were, like the mass of the people amongst the Sclavonic nations, the mere serfs or slaves of the nobility. This is a marked distinction between the Etruscans, and the Sabine and Latin nations of Italy; and, as in the constitution of Servius Tullius a Latin spirit is discernible, so the tyranny which, whether in the shape of a monarchy or an aristocracy, suspended that constitution for nearly two centuries, tended certainly to make Rome resemble the cities of Etruria, and

[10] Livy, I. 8. Dionysius, III. 62.

may possibly be traced originally to that same revolution which expelled the Sabine gods from the capitol, and changed for ever the simple religion of the infancy of Rome.

II. Changes in religion introduced in the time of the later kings.

II. It is a remarkable story [11] that towards the end of the sixth century of Rome, the religious books of Numa were accidentally brought to light by the discovery of his tomb under the Janiculum. They were read by A. Petillius, the Prætor Urbanus, and by him ordered to be burnt in the comitium, because their contents tended to overthrow the religious rites then observed in Rome. We cannot but connect with this story what is told of Tarquinius the elder, how he cleared away the holy places of the Sabine gods from the Capitoline Hill, to make room for his new temple; and the statement which Augustine quotes from Varro [12], and which is found also in Plutarch, that during the first hundred and seventy years after the foundation of the city, the Romans had no images of their gods. All these accounts represent a change effected in the Roman religion; and the term of 170 years, given by Varro and Plutarch, fixes this change to the reigns of the later kings. It is said [13] also that Jupiter, Juno, and Minerva, the three deities to whom the Capitoline temple was dedicated, were the very powers whose wor-

[11] Livy, XL. 29.

[12] Varro, Fragments, p. 46. Edit. Dordrecht. Plutarch, Numa, c. 8.

[13] Servius, on Virgil, Æn. I. v. 422. Miratur molem Æneas, &c. "Miratur" non simpliciter dictum volunt, quoniam prudentes Etruscæ disciplinæ aiunt, apud conditores Etruscarum urbium non putatas justas urbes, in quibus non tres portæ essent dedicatæ et votivæ, et tot templa, Jovis, Junonis, Minervæ.

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ship, according to the Etruscan religion, was essential to every city; there could be no city without three gates duly consecrated, and three temples to these divinities. But here again we gain a glimpse of something real, but cannot make it out distinctly. Images of the gods belong rather to the religion of the Greeks than of the Etruscans; and the Greek mythology, as well as Grecian art, had been familiar in the southern Etruscan cities from a very early period, whether derived from the Tyrrhenians, or borrowed directly from Hellas or the Hellenic colonies. Grecian deities and Greek ceremonies may have been introduced, in part, along with such as were purely Etruscan. But the science of the Haruspices, and especially the attention to signs in the sky, to thunder and lightning, seems to have been conducted according to the Etruscan ritual; perhaps also from the same source came that belief in the punishment of the wicked after death, to which Polybius ascribes so strong a moral influence over the minds of the Romans, even in his own days. And Etruscan rites and ordinances must have been widely prevalent in the Roman Commonwealth, when, as some writers asserted, the Roman nobility[14] were

[14] Livy, IX. 36. Habeo auctores, vulgo tum, (in the middle of the fifth century of Rome,) Romanos pueros sicut nunc Græcis ita Etruscis literis erudiri solitos. Livy rather believes that a knowledge of the Etruscan language was a peculiar accomplishment of the Fabius who went on the enterprize, namely, that of penetrating through the Ciminian Forest, and exploring Etruria. But the story of this enterprize comes evidently from the Fabian Family Memoirs, and its authenticity is most suspicious. Whereas the statement of the writers whom Livy refers to, is extremely unsuspicious and probable.

taught habitually the Etruscan language, and when the senate[15] provided by a special decree for the perpetual cultivation of the Etruscan discipline by young men of the highest nobility in Etruria; lest a science so important to the Commonwealth should be corrupted by falling into the hands of low and mercenary persons.

III. Changes in the constitution introduced by the later kings.

III. Nothing is more familiar to our ears than the name of the classes and centuries of Servius Tullius; nothing is more difficult, even after the immortal labour of Niebuhr, than to answer all the questions which naturally arise connected with this part of the Roman history. But first of all, in considering the changes effected in the Roman constitution during the later period of the monarchy, we find another threefold division of them presenting itself. We have, 1st, the enlargement of the older constitution, on the same principles, in the addition to the number of senators and of the centuries of the knights, commonly ascribed to Tarquinius Priscus. 2nd, we have the establishment of a new constitution on different principles, in the famous classes and centuries of

[15] See the famous passage of Cicero, de Divinatione, I. 41, § 92. I agree with Müller that the "Principum filii" here spoken of are Etruscans, and not Romans. The term "Principes" to express the Lucumones of Etruria is common enough: I doubt whether it is ever used to express the Roman patricians, or any class of men in Rome. "Principes civitatis" is used to express the most distinguished individuals of the Commonwealth, not an order; besides, the passage in the treatise de Legibus seems to decide the question, II. 9, § 21. "Etruriæque principes disciplinam docento;" that is, "Let them instruct the government in their discipline, when any occasion arises for consulting them." Valerius Maximus, I. 1, § 2, has I believe borrowed his story from Cicero, and misunderstood his meaning.

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Servius Tullius. And, 3rd, we have the overthrow, to speak generally, of this new constitution, and the return to the older state of things, modified by the great increase of the king's power, in the revolution effected by Tarquinius Superbus, and in his subsequent despotism.

The alterations effected by the elder Tarquinius.

I. The old constitution was enlarged upon the same principles, in the increase of the number of senators, and of the centuries of the knights. It has been already shown that the older constitution was an oligarchy, as far as the clients and commons were concerned; it is no less true, that it was democratical, as far as regarded the relations of the citizens, or members of the houses, to each other. Both these characters, with a slight modification, were preserved in the changes made by Tarquinius Priscus. He doubled [16], it is said, the actual number of senators, or rather of patrician houses; which involved a corresponding increase in the numbers of the senate; but the houses thus ennobled, to use a modern term, were distinguished from the old ones by the titles of the lesser houses; and their senators did not vote till after the senators of the greater houses. According to the same system, the king proposed to double the number of the tribes, that is, to divide his newly created houses into three tribes, to stand beside the three tribes of the old houses, the Ramnenses, Titienses, and Luceres.

[16] Duplicavit illum pristinum Patrum numerum: et antiquos Patres "majorum gentium" appellavit, quos priores sententiam rogabat, a se adscitos "minorum." Cicero, de Republicâ, II. 20.

Now as the military divisions of the old Commonwealths went along with the civil divisions, the tribes of the Commonwealth were the centuries of the army; and if three new tribes were added, it involved also the addition of three new centuries of knights or horsemen; and it is in this form that the proposed change is represented in the common stories. But here it is said that the interest of the old citizens, taking the shape of a religious objection, was strong enough to force the king to modify his project. No new tribes were created, and consequently no new centuries [17]; but the new houses were enrolled in the three old centuries, so as to form a second division in each, and thus to continue inferior in dignity to the old houses in every relation of the Commonwealth. It may be fairly supposed, that these second centuries in the army were also second tribes and second curiæ in the civil divisions of the state; and that the members of the new houses voted after those of the old ones no less in the great council, the comitia of the curiæ, than in the smaller council of the senate.

Their object.

The causes which led to this enlargement of the old constitution may be readily conceived. Whether Tarquinius was a Latin or an Etruscan, all the stories agree in representing him as a foreigner, who gained the throne by his wealth and personal reputation. The mere growth of the Roman state would, in the

[17] Neque tum Tarquinius de equitum centuriis quidquam mutavit: numero alterum tantum adjecit.... "Posteriores" modo sub iisdem nominibus qui additi erant appellati sunt. Livy, I. 36.

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natural course of things, have multiplied new families, which had risen to wealth, and were in their former country of noble blood; but which were excluded from the curiæ, that is, from the rights of citizenship at Rome; the time was come to open to them the doors of the Commonwealth; and a foreign king, ambitious of adding to the strength of his kingdom, if it were but for the sake of his own greatness, was not likely to refuse or put off the opportunity. Beyond this we are involved in endless disputes and difficulties; who the Luceres were, and whether Tarquinius had any particular reasons for raising them to a level with the old tribes, we never can determine. That there were only four vestal virgins before [18], and that Tarquinius made them six, would certainly seem to show, that a third part of the state had hitherto been below the other two-thirds, at least in matters of religion; for it was always acknowledged that the six vestal virgins represented the three tribes of the Ramnenses, Titienses, and Luceres, two for each tribe. But in the additions made to the senate and to the centuries, the new citizens must have been more than a third of the old ones; and indeed here the story supposes that in military matters, at any rate, the Luceres were already on an equality with the Ramnenses and Titienses. It is enough therefore to say, that there had arisen at Rome so great a number of distinguished families, of whatever origin, or

[18] See Dionysius, III. 67; and compare Livy, X. 6.

from whatever causes, that an extension of the rights of citizenship became natural and almost necessary: but as these were still only a small part of the whole population, the change went no further than to admit them into the aristocracy; leaving the character and privileges of the aristocracy itself, with regard to the mass of the population, precisely the same as they had been before.

Constitution of Servius Tullius.

II. But a far greater change was effected soon afterwards; no less than the establishment of a new constitution, on totally different principles. This constitution is no doubt historical, however uncertain may be the accounts which relate to its reputed author. "The good king Servius and his just laws," were the objects of the same fond regret amongst the Roman commons, when suffering under the tyranny of the aristocracy, as the laws of the good king Edward the Confessor amongst the English after the Norman conquest; and imagination magnified, perhaps, the merit of the one no less than of the other; yet the constitution of Servius was a great work, and well deserves to be examined and explained.

His object in framing it.

Servius, like Tarquinius, is represented as a foreigner, and is said also, like him, to have ascended the throne to the exclusion of the sons of the late king. According to the account which Livy followed, he was acknowledged [19] by the senate, but not

[19] Primus injussu Populi, voluntate Patrum regnavit. Livy, I. 41. Dionysius, confusing as usual the curiæ and the commons, and supposing that the most aristocratical body in the state must

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by the people; and this, which seemed contradictory so long as the people, populus, and the commons, plebs, were confounded together, is in itself consistent and probable, when it is understood that the people, who would not acknowledge Servius, were the houses assembled in their great council of the curiæ, and that these were likely to be far less manageable by the king whom they disliked, than the smaller council of their representatives assembled in the senate. Now supposing that the king, whoever he may have been, was unwelcome to what was then the people, that is, to the only body of men who enjoyed civil rights; it was absolutely neces-

needs be the senate, represents him as chosen by the people in their curiæ, but not confirmed by the senate. Cicero says, "Non commisit se Patribus, sed, Tarquinio sepulto, Populum de se ipse consuluit, jussusque regnare, legem de imperio suo curiatam tulit." De Republicâ, II. 21. If indeed there existed a genuine "Lex Regia curiata de imperio" of the reign of Servius Tullius, then it must belong to a later period of his reign, when having established his power by means of his new constitution, the curiæ would have had no choice but to acknowledge him; and this according to Livy's narrative was the case; for he says that after the institution of the Comitia Centuriata, Servius "ausus est ferre ad populum, 'vellent juberentne se regnare?' tantoque consensu quanto haud quisquam alius ante, rex est declaratus." I. 46. On the other hand, Livy, or the annalist whom he followed, may have added the circumstance "voluntate Patrum regnavit," because he could not conceive how Servius could have reigned without the consent of either senate or curiæ. But if we adopt the Etruscan story, and suppose that the king whom the Romans called Servius Tullius had gained his power in the first instance as the leader of an army, which after various adventures in Etruria had been driven out from thence, and had taken possession of the Cælian hill in Rome, it is very conceivable that he may have reigned at first independently of the consent of any part of the old Roman people, whether senate or burghers; and that he may only have asked for that consent after his creation of a new Roman people, formed perhaps in part out of his own old soldiers, when he would wish to reign according to all the old legal forms, and to be no longer king by the choice of a part of his subjects only, but with the approbation of all.

sary for him, unless he would maintain his power as a mere tyrant, through the help of a foreign paid guard, to create a new and different people out of the large mass of inhabitants of Rome who had no political existence, but who were free, and in many instances wealthy and of noble origin; who therefore, although now without rights, were in every respect well fitted to receive them.

He establishes thirty tribes for the commons.

The principle of an aristocracy is equality within its own body, ascendancy over all the rest of the community. Opposed to this is the system, which, rejecting these extremes of equality and inequality, subjects no part of the community to another, but gives a portion of power to all; not an equal portion however, but one graduated according to a certain standard, which standard has generally been property. Accordingly, this system has both to do away with distinctions and to create them; to do away, as it has generally happened, with distinctions of birth, and to create distinctions of property. Thus at Rome, in the first instance, the tribes or divisions of the people took a different form. The old three tribes of Ramnenses, Titienses, and Luceres, had been divisions of birth, real or supposed; each was made up of the houses of the curiæ, and no man could belong to the tribe without first belonging to a curia, and to a house; nor could any stranger become a member of a house except by the rite of adoption, by which he was made as one of the same race, and therefore a lawful worshipper of the same gods. Each of these tribes had its portion

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of the Ager Romanus, the old territory of Rome. But now, as many others had become Romans in the course of time, without belonging to either of these three tribes, that is, had come to live under the Roman kings, many in Rome itself, and had received grants of land from the kings beyond the limits of the old Ager Romanus, a new division was made including all these; and the whole city and territory[20] of Rome, except the Capitol, were divided

[20] Every reader who is acquainted with the subject knows the difficulties which beset the whole question respecting the original number of the tribes. On the whole I agree with Niebuhr in preferring the statement of Fabius, preserved by Dionysius, IV. 15, that the country tribes in the Servian constitution were six-and-twenty. But the great difficulty relates to three points: the Capitol, the Aventine, and the Ager Romanus. The four city tribes or regions, for tribe as a local division is synonymous with region, included neither the Capitol, nor the Aventine. This we know from that curious account preserved by Varro of the situation of the twenty-four Argean chapels in these regions; a passage which has been considered and corrected both by Müller and Bunsen, and may be now read in an intelligible form either in Müller's edition of Varro, I. § 45—54; or in Bunsen's and Platner's Beschreibung Roms, Vol. I. pp. 688—702. But there is this farther perplexity, that the chapels of the Argei are said by Varro to have been distributed through twenty-seven parts of the city; and yet the wooden figures called Argei, which were every year thrown by the Pontifices into the Tiber, are by Varro himself, according to the MSS., said to have been twenty-four, and by Dionysius thirty. [Antiqq. Rom. I. 38.] Bunsen adopts this latter number, and supposes that the three cellæ of the Capitoline Temple, and the three of the old Capitol on the Quirinal, were included in the reckoning. This appears to me unsatisfactory, but I can offer nothing better. However, the exclusion of the Capitol from the four city tribes is consistent enough; for the Capitol, as the citadel of Rome, and the seat of the three protecting gods of the city, was reserved exclusively for the patricians, or old citizens, and no plebeian might dwell on it: whereas in the other parts of the city both orders dwelt promiscuously till the famous Icilian law appropriated the Aventine to the plebeians alone, as the Capitol was appropriated to the patricians. It will be remembered that the Eupatridæ at Athens were distinguished in the old state of things by the title οἱ κατ' ἄστυ οἰκοῦντες, and the ἄστυ in the earliest times would be the Acropolis of a later age. With regard to the Aventine, it must I conceive have been in-

into thirty tribes, four for the city, and twenty-six for the country, containing all the Romans who were not members of the houses, and classing them according to the local situation of their property. These thirty tribes corresponded to the thirty curiæ of the houses; for the houses were used to assemble, not in a threefold division, according to their tribes, but divided into thirty, according to their curiæ: and the commons were to meet and settle all their own affairs in the assembly of their tribes, as the houses met and settled theirs in the assembly of their curiæ.

The centuries, a military division, to include both the burghers and the commons.

Thus then there were two bodies existing alongside of each other, analogous to the house of lords and the house of commons of our own ancient constitution, two estates distinct from and independent of each other, but with no means as yet provided for

cluded in one of the country tribes; nor is this to be wondered at, as the Aventine was still considered properly as a suburb, although it was included within the walls. It is not to be supposed that the whole of the land in the country tribes was the property of the plebeians; much of it undoubtedly remained as domain-land, and as such became "possessed," in the Roman sense of the term, by the patricians; as appears in the account of the state of the Aventine hill, before the passing of the Lex Icilia. But as such possession or occupation was not property, the patricians might possess land in a tribe without becoming members of it. But if the Ager Romanus had formed a tribe, then we might be led to suppose that the patricians must have been members of this tribe, and so the tribes would cease to be an exclusively plebeian body, which Niebuhr rightly, as I think, supposes them to have been in the outset. It is possible however that the whole territory, not excepting even the Ager Romanus, might locally have been included within the tribes, inasmuch as no district would be wholly without plebeian lands; and yet the patricians themselves, as belonging to a different political body, might have had nothing to do with the tribe politically: just as the estates of our peers are geographically included within some county, and yet no peer may be elected as knight of the shire, nor even vote at any election.

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converting them into states-general or a parliament. Nor could they have acted together as jointly legislating for the whole nation; for the curiæ still regarded themselves as forming exclusively the Roman people, and would not allow the commons, as such, to claim any part in the highest acts of national sovereignty. There was one relation, however, in which the people and the commons felt that they belonged to one common country, in which they were accustomed to act together, and in which therefore it was practicable to unite them into one great body. This was when they marched out to war against a foreign enemy; then, arrayed in the same army, and fighting under the same standard, in the same cause, the houses and the commons, if not equally citizens of Rome, felt that they were alike Romans. It has ever been the case, that the distinctions of peace[21] vanish amidst the dangers of war; arms and courage, and brotherhood in perils, confer of necessity power and dignity. Thus we hear of armies[22], on their return home from war, stopping before they entered the city walls to try, in their military character, all offences or cases of misconduct which had occurred since they had taken the field: whereas when once they had entered the walls, civil relations were reassumed, and all trials

[21] "For he to-day who sheds his blood with me
Shall be my brother; be he ne'er so vile,
This day shall gentle his condition." HENRY V.

[22] This was the case at Argos. τὸν Θράσυλλον ἀναχωρήσαντες ἐν τῷ Χαράδρῳ οὗπερ τὰς ἀπὸ στρατιᾶς δίκας πρὶν ἐσιέναι κρίνουσιν, ἤρξαντο λεύειν. Thucyd. V. 60.

were conducted according to other forms, and before other judges. This will explain the peculiar constitution of the comitia of centuries, which was a device for uniting the people and the commons into a national and sovereign assembly in their capacity of soldiers, without shocking those prejudices which as yet placed a barrier between them as soon as they returned to the relations of peace.

Change in the organization of the army.

But in order to do this with effect, and to secure in this great assembly a preponderance to the commons, a change in the military organization and tactic of the army became indispensable. In all aristocracies in an early stage of society, the ruling order or class has fought on horseback [23] or in chariots, their subjects or dependents have fought on foot. The cavalry service under these circumstances has been cultivated, that of the infantry neglected; the mounted noble has been well armed and carefully trained in warlike exercises, whilst his followers on foot have been ill armed and ill disciplined, and quite incapable of acting with equal effect. The first great step then towards raising the importance of the infantry, or, in other words, of the commons of a state, was to train them to resist cavalry, to form them

[23] Homer's battles are a sufficient example of this: it explains also the name of ἱππῆς applied to the three hundred Spartans of the king's guard, and retained long after the reality had ceased, and the guard no longer consisted of cavalry or chariots, but of infantry. See Thucydides, V. 72. See also Aristotle, Politics, IV. 13. ἡ μὲν ἐξ ἀρχῆς (πολιτεία ἐγένετο) ἐκ τῶν ἱππέων. τὴν γὰρ ἰσχὺν καὶ τὴν ὑπεροχὴν ἐν τοῖς ἱππεῦσιν ὁ πόλεμος εἶχεν· ἄνευ μὲν γὰρ συντάξεως ἄχρηστον τὸ ὁπλιτικόν, αἱ δὲ περὶ τῶν τοιούτων ἐμπειρίαι καὶ τάξεις ἐν τοῖς ἀρχαίοις οὐχ ὑπῆρχον, ὥστ' ἐν τοῖς ἱππεῦσιν εἶναι τὴν ἰσχύν.

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into thick masses instead of a thin extended line, to arm them with the pike instead of the sword or the javelin. Thus the phalanx order of battle was one of the earliest improvements in the art of war; and at the time we are now speaking of, this order was in general use in Greece, and must have been well known, if only through the Greek colonies, in Italy also[34]. Its introduction into the Roman army would be sure to make the infantry from henceforward more important than the cavalry; that is, it would enable the commons to assert a greater right in Rome than could be claimed by the houses, inasmuch as they could render better service. Again, the phalanx order of battle furnished a ready means for giving importance to a great number of the less wealthy commons, who could not supply themselves with complete armour; while on the other hand it suggested a natural distinction between them and their richer fellows, and thus established property as the standard of political power, the only one which can in the outset compete effectually with the more aristocratical standard of birth; although in a later stage of society it becomes itself aristocratical, unless it be duly tempered by the mixture of a third standard, education and intelligence. In a deep phalanx, the foremost ranks needed to be completely armed, but those in the rear could neither reach or

[34] Again, if Ser. Tullius was an Etruscan, he would have introduced the tactic of his own country, in arming the Roman infantry with the long spear and shield; for these were the weapons used by the Etruscans as well as by the Greeks. See Diodorus Siculus, XXIII. 1. Fragm. Mai.

be reached by the enemy, and only served to add weight to the charge of the whole body. These points being remembered, we may now proceed to the details of the great comitia of Servius.

Details of the institution of the centuries. The six suffragia and plebeian centuries of knights.

He found the houses, that is to say, the nobility or citizens of Rome, for I cannot too often remind the reader that, in this early period of Roman history, these three terms were synonymous, divided into three centuries of knights or horsemen, each of which, in consequence of the accession to its numbers made by the last king, contained within itself two centuries, a first and a second. The old citizens, anxious in all things to keep up the old form of the state, had then prevented what were really six centuries from being acknowledged as such in name; but the present change extended to the name as well as the reality; and the three double centuries of the Ramnenses, Titienses, and Luceres, became now[25] the six votes (sex suffragia) of the new united assembly. To these, which contained all the members of the houses, there were now added twelve new centuries[26] of knights, formed, as usual in the Greek states, from the richest members of the community, continuing, like the centuries below them, to belong to the thirty tribes of the commons.

The centuries of infantry. The five classes.

It remained to organize the foot soldiers of the state. Accordingly, all those of the commons whose property was sufficient to qualify them for serving even in the hindmost ranks of the phalanx, were

[25] Festus in Sex Suffragia.
[26] Livy, I. 43. Cicero, de Repub. II. 22.

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divided[27] into four classes. Of these the first class contained all whose property amounted to or exceeded one hundred thousand pounds weight of copper. The soldiers of this class were required to provide themselves with the complete arms used in the front ranks of the phalanx; the greaves, the coat of mail, the helmet, and the round shield, all of brass; the sword, and the peculiar weapon of the heavy-armed infantry, the long pike. And as these were to bear the brunt of every battle, and were the flower of the state's soldiers, so their weight in the great military assembly was to be in proportion; they formed eighty centuries; forty of younger men, between the ages of fifteen and forty-five years[28] complete; and forty of elders, between forty-five and sixty; the first to serve in the field, the second to defend the city. The second class contained those whose property fell short of one hundred thousand pounds of copper, and exceeded or amounted to seventy-five thousand. They formed twenty centuries, ten of younger men and ten of elders; and they were allowed to dispense with the coat of mail, and to bear the large oblong wooden shield called scutum, instead of the round brazen shield, clipeus, of the first ranks of the phalanx. The third class contained a like number of centuries, equally divided into those of the younger men and elders; its qualification was property between fifty thousand pounds

[27] See for all this account of the census, Livy, I. 43, and Dionysius, IV. 16—19.

[28] See Niebuhr, Vol. I. p. 459. Ed. 2.

of copper, and seventy-five thousand; and the soldiers of this class were allowed to lay aside the greaves as well as the coat of mail. The fourth class again contained twenty centuries; the lowest point of its qualification was twenty-five thousand pounds of copper, and its soldiers were required to provide no defensive armour, but to go to battle merely with the pike and a javelin. These four classes composed the phalanx; but a fifth class, divided into thirty centuries, and consisting of those whose property was between twenty-five thousand pounds of copper and twelve thousand five hundred, formed the regular light-armed infantry of the army, and were required to provide themselves with darts and slings.

The Accensi and Velati, and the Proletarii.

The poorest citizens[29], whose property fell short of twelve thousand five hundred pounds, were considered in a manner as supernumeraries in this division. Those who had more than one thousand five hundred pounds of copper, were still reckoned amongst the tax-payers, Assidui, and were formed into two centuries, called the Accensi and Velati. They followed the army, but without bearing arms, being only required to step into the places of those who fell; and in the mean time acting as orderlies to the centurions and decurions. Below these came

[29] See Niebuhr, p. 465, and the authorities there quoted. I have gone over the ground myself, and have verified the accuracy of Niebuhr's quotations, if indeed any could suspect it; and having been fully satisfied with his results, I have thought it best to refer to his work, rather than to the original writers, as the combined view of the several facts belongs to him and not to them.

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one century of the Proletarii, whose property was between one thousand five hundred pounds and three hundred and seventy-five. These paid no taxes, and in ordinary times had no military duty; but on great emergencies arms were furnished them by the government, and they were called out as an extraordinary levy. One century more included all whose property was less than three hundred and seventy-five pounds, and who were called Capite Censi; and from these last no military service was at any time required, as we are told, till a late period of the republic.

The Fabri, Cornicines, and Tubicines.

Three centuries of a different character from all the rest remain to be described, centuries defined not by the amount of their property, but by the nature of their occupation; those of carpenters and smiths, Fabrorum; of hornblowers, Cornicines; and of trumpeters, Tubicines, or, as Cicero calls them, Liticines. The first of these was attached to the centuries of the first class, the other two to the fourth. The nature of their callings so connected them with the service of the army, that this peculiar distinction was granted to them.

The position held in the comitia by the patricians' clients is involved in great obscurity. We know that they had votes, and probably they must have been enrolled in the classes according to the amount of their property, without reference to its nature: at the same time Niebuhr thinks that they did not serve in the regular infantry along with the plebeians. It would seem from the story of the

three hundred Fabii, and from the adventures related of Caius Marcius[30], that the clients followed their lords to the field at their bidding, and formed a sort of feudal force quite distinct from the national army of the commons, like the retainers of the nobles in the middle ages, as distinguished from the free burghers of the cities.

Such is the account transmitted to us of the constitution of the comitia of centuries. As their whole organization was military, so they were accustomed to meet[31] without the city, in the Field of Mars; they were called together not by lictors, like the comitia of the curiæ, but by the blast of the horn: and their very name was "the Army of the City," "Exercitus Urbanus[32]."

The constitution was soon destroyed, and never entirely restored.

It is quite plain that this constitution tended to give the chief power in the state to the body of the commons, and especially to the richer class among them, who fought in the first ranks of the phalanx. For wherever there is a well-armed and well-disciplined infantry, it constitutes the main force of an army; and it is a true observation of Aristotle[33], that in the ancient commonwealths the chief power was apt to be possessed by that class of the people whose military services were most important: thus when the navy of Athens became its great support and strength, the government became democratical; because the ships were chiefly manned by citizens of

[30] Dionysius, VII. 19, 20.
[31] A. Gellius, XV. 27, quoted from Lælius Felix.
[32] Varro, de L. L. VI. 93.
[33] Politics, V. 4. VI. 7. Ed. Bekker.

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the poorer classes. But we know, that for a very long period after the time of Servius, the commons at Rome, far from being the dominant part of the nation, were excluded from the highest offices in the state, and were grievously oppressed both individually and as a body. Nay, further, whenever we find any details given of the proceedings of the comitia, or of the construction of the army, we perceive a state of things very different from that prescribed by the constitution of Servius. Hence have arisen the difficulties connected with it; for as it was never fully carried into effect, but overthrown within a very few years after its formation, and only gradually and in part restored; as thus the constitution with which the oldest annalists, and even the law-books which they copied were familiar, was not the original constitution of Servius, but one bearing its name, while in reality it greatly differed from it; there is a constant confusion between the two, and what is ascribed to the one may often be true only when understood of the other.

Servius appoints judges for the commons out of their own order.

Other good and popular institutions were ascribed to the reign of Servius. As he had made the commons an order in the state, so he gave them judges out of their own body to try all civil[34] causes; whereas before they had no jurisdiction, but referred all their

[34] Dionysius calls these causes ἰδιωτικά, as opposed to τὰ ἐς τὸ κοινὸν φέροντα, IV. 25; but afterwards he expresses himself more clearly, when he calls these laws, laws which hindered the commons from being wronged by the patricians as formerly, περὶ τὰ συμβόλαια, IV. 40. The Ephori in like manner, at Sparta, were judges in τὰς τῶν συμβολαίων δίκας. Aristot. Polit. III. 1. Ed. Bekker.

suits either to the king or to the houses. These judges were, as Niebuhr thinks, the centumviri, the hundred men, of a later period, elected three from each tribe, so that in the time of Servius their number would probably have been ninety.

The festivals of the Paganalia and Compitalia.

To give a further organization to the commons, he is said also to have instituted the festivals called Paganalia and Compitalia. In the tribes in the country, many strong-holds on high ground, pagi[35], had been fixed upon as a general refuge for the inhabitants and their cattle in case of invasion. Here they all met once a year, to keep festival, and every man, woman, and child, paid on these occasions a certain sum, which being collected by the priests gave the amount of the whole population. And for the same purpose[36], every one living in the city paid

[35] It does not appear from Dionysius' account whether there were one or more pagi in every tribe. It would be most natural to suppose that there was but one, as otherwise the numbers of the people would have been taken according to a different division than that into tribes; which does not seem probable. The pagus was in a manner the town of the tribe, or rather would have become so, had this state of things continued. Dionysius connects pagus with the Greek πάγος, which is likely enough; although afterwards the word merely signified a district or canton, whether in a plain country, or in a hilly. Nor do Varro's words, (L. L. V. p. 49. Edit. Dordr. 1619.) "Feriæ non populi sed montanorum modo, ut Paganalibus, qui sunt alicujus pagi," imply that the pagani were montani: for the whole passage, when rightly stopped, and as Müller has now printed it, runs thus:—"Dies Septimontium, nominatus ab his septem montibus in queis sita urbs est, feriæ non populi sed montanorum modo: ut Paganalibus, qui sunt alicujus pagi." "Montani," refers to the inhabitants of the seven hills; (the seven hills of old Rome, existing before the time of Servius;) and Varro says that the Septimontium was a festival kept not by the whole people, but by the inhabitants of those hills only; just as at the Paganalia, the inhabitants of the pagus alone shared in the festival. See Festus, in Septimontio, "Septimontio ut ait Antistius Labeo, hisce montibus Feriæ," &c.

[36] Dionysius, IV. 15.

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a certain sum at the temple of Juno Lucina for every birth in his family, another sum at the temple of Venus Libitina for every death, and a third at the temple of Youth, for every son who came to the age of military service. The Compitalia[37] in the city answered to the Paganalia in the country, and were a yearly festival in honour of the Lares or guardian spirits, celebrated at all the compita, or places where several streets met.

Other laws ascribed to Servius.

Other laws and measures are ascribed to Servius, which seem to be the fond invention of a later period, when the commons, suffering under a cruel and unjust system, and wishing its overthrow, gladly believed that the deliverance which they longed for had been once given them by their good king, and that they were only reclaiming old rights, not demanding new ones. Servius, it is said[38], drove out the patricians from their unjust occupation of the public land, and ordered that the property only,

[37] Dionysius, IV. 14. What Dionysius here calls the Compitalia, and which he says were kept a few days after the Saturnalia, are not marked in the calendars, because, though the season at which they fell was fixed, the day was not so; they were amongst the "conceptivæ Feriæ," or festivals announced every year by the magistrates, of which the precise day in some instances varied. (Macrobius, Saturnal. I. 16.) They must not be confounded with the festival of the Lares Præstites on the first of May. The Lares were the spirits of the dead, δαίμονες, who watched over their living posterity; thence Dionysius calls them ἥρωες, because the heroes were deified men, like Hesiod's δαίμονες, whom he calls φύλακες θνητῶν ἀνθρώπων. The name of Lares is Etruscan, Lar is prince or mighty one. Yet as spirits, and belonging to the invisible world, they were called also the children of Mania (Macrobius, Saturnal. I. 7), a horrible goddess, whose name was given to frightful masks, the terror of children. Mania is clearly connected with the Dii Manes who were also the spirits of a man's departed ancestors.

[38] Dionysius, IV. 9.

and not the person, of a debtor should be liable for the payment of his debt.

Further, to complete the notion of a patriot king, it was said that he had drawn out a scheme of popular government, by which two magistrates, chosen every year, were to exercise the supreme power, and that he himself proposed to lay down his kingly rule to make way for them. It can hardly be doubted that these two magistrates were intended to be chosen the one from the houses and the other from the commons, to be the representatives of their respective orders.

The constitution of Servius succeeded by a tyranny.

III. But the following tyranny swept away the institutions of Servius, and much more prevented the growth of that society for which alone his institutions were fitted. No man can tell how much of the story of the murder of the old king and of the impiety of the wicked Tullia is historical; but it is certain that the houses, or rather a strong faction among them, supported Tarquinius in his usurpation: nor can we doubt the statement that the aristocratical brotherhoods or societies served him more zealously than the legal assembly of the curiæ; because these societies are ever to be met with in the history of the ancient Commonwealths, as pledged to one another for the interests of their order, and ready to support those interests by any crime. Like Sylla, in after-times, he crushed the liberties of the commons, doing away with the laws[39] of Servius,

[39] Dionysius, IV. 43.

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and, as we are told, destroying the tables on which they were written; abolishing the whole system of the census, and consequently the arrangement of the classes, and with them the organization of the phalanx; and forbidding even the religious meetings of the Paganalia and Compitalia, in order to undo all that had been done to give the commons strength and union. Further it is expressly said [40], that he formed his military force out of a small portion of the people, and employed the great bulk of them in servile works, in the building of the circus and the capitoline temple, and the completion of the great drain or cloaca; so that in his wars, his army consisted of his allies, the Latins and Hernicans, in a much greater proportion than of Romans. His enmity to the commons was all in the spirit of Sylla; and the members of the aristocratical societies, who were his ready tools in every act of confiscation, or legal murder, or mere assassination, were faithfully represented by the agents of Sylla's proscription, by L. Catilina and his patrician associates. But in what followed, Tarquinius showed himself, like Critias or Appius Claudius, a mere vulgar tyrant, who preferred himself to his order, when the two came into competition, and far inferior to Sylla, the most sincere of aristocrats, who having secured the ascendancy of his order, was content to resign his own personal power, who was followed therefore by the noblest

[40] Dionysius, IV. 44.

as well as by the vilest of his countrymen, by Pompeius and Catulus no less than by Catilina. Thus Tarquinius became hated by all that was good and noble amongst the houses, as well as by the commons; and both orders cordially joined to effect his overthrow. But the evil of his tyranny survived him; it was not so easy to restore what he had destroyed, as to expel him and his family: the commons no longer stood beside the patricians as an equal order, free, wealthy, well armed, and well organized; they were now poor, ill armed, and with no bonds of union; they therefore naturally sank beneath the power of the nobility, and the revolution which drove out the Tarquins established at Rome not a free commonwealth, but an exclusive and tyrannical aristocracy.

CHAPTER VI.

MISCELLANEOUS NOTICES OF THE STATE OF THE ROMANS UNDER THEIR KINGS.

Ad nos vix tenuis famæ perlabitur aura.
VIRGIL, Æn. VII.

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THE last chapter was long, yet the view which can be derived from it is imperfect. Questions must suggest themselves, as I said before, to which it contains no answers. Yet it seemed better to draw the attention first to one main point, and to state that point as fully as possible, reserving to another place much that was needed to complete the picture. For instance, the account of the classes of Servius leads naturally to questions as to the wealth of the Romans, its sources, its distribution, and its amount: the division of the people into centuries excites a curiosity as to their numbers: the mention of the change of the Roman worship, and the introduction of Etruscan rites, dispose us to ask, how these rites affected the moral character of the people; what that character was, and from whence derived. Again, when we read of the great works of the later kings, we think what advance or what style of the arts

was displayed in them; and the laws of king Servius written on tables, with the poetical and uncertain nature of the story of his reign, make us consider what was the state of the human mind, and what use had as yet been made of the great invention of letters. It is to these points, so far as I am able, that the following chapter will be devoted.

Of the wealth of the Romans under the later kings. Their copper money.

I. Niebuhr has almost exhausted the subject of the Roman copper money. He has[1] shown its originally low value, owing to the great abundance of the metal; that as it afterwards became scarce, a reduction in the weight of the coin followed naturally, not as a fraudulent depreciation of it, but because a small portion of it was now as valuable as a large mass had been before. The plenty of copper in early times is owing to this, that where it is found, it exists often in immense quantities, and even in large masses of pure metal on the surface of the soil. Thus the Copper Indians of North America found it in such abundance on their hills that they used it for all domestic purposes; but the supply thus easily obtained soon became exhausted; and as the Indians have no knowledge of mining, the metal is now comparatively scarce. The small value of copper at Rome is shown not only by the size of the coins, the as having been at first a full pound in weight, but also by the price of the war-horse, according to the

[1] Vol. I. p. 474, et seqq. Ed. 2. See also Müller, Etrusker, I. 4, § 13.

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regulation of Servius Tullius, namely, ten thousand [2] pounds of copper. This statement, connected as it is with the other details of the census, seems original and authentic; nor considering the great abundance of cattle, and other circumstances, is it inconsistent with the account in Plutarch's life of Publicola, that an ox in the beginning of the Commonwealth was worth one hundred oboli, and a sheep worth ten; nor with the provisions of the Aternian law, which fixed the price of the one at one hundred ases and the other at ten.

[2] "Ad equos emendos dena millia æris ex publico data." Livy, I. 43. It has been doubted whether this sum be meant as the price of one horse or two: Niebuhr supposes that it includes the purchase of a slave to act as groom, and also of a horse for him. And this seems confirmed in some degree by Festus, who says that the Romans used two horses in battle, to have a fresh one to mount when the first one was tired; and that the money given to furnish these two horses was called Pararium. Festus in "Pararium," and "Paribus equis." Yet I find in Von Raumer's Account of the Prices of Things in the Middle-ages, (Geschichte der Hohenstaufen, V. p. 436, et seqq.) that in the year 1097 at the siege of Antioch an ox was sold cheap at five shillings; and in 1225 at Verona, the average price of a horse was twenty-five pounds. This is reckoning by the Italian lira or pound, divided into twenty solidi or shillings: but the value of both the pound and the shilling differed so much in different times and places, that the comparison cannot be depended on without further examination. We should like to know from what Greek writer Plutarch borrowed his statement of the price of an ox in the time of Publicola. Was it from Timæus, from whom Pliny learnt that Servius Tullius was the first person who stamped money at Rome? And if so, at what did he reckon the as? Polybius reckoned the light as of his time at half an obolus, which would make the denarius, as it was already equivalent to sixteen ases, equal to eight oboli, or a drachm, and one-third. (II. 15.) By a comparison with the Aternian law, one would suppose that the obolus was meant to be equivalent to the as; if so, copper had so risen in value, that although the as of half an ounce weight was equal to half an obolus, the as when it weighed twenty-four times as much, that is a full pound, had only been worth twice as much; a diminution in value of twelve hundred per cent.

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Their principal sources of wealth.

The sources of wealth amongst the Romans, under their later kings, were agriculture, and also, in a large proportion, foreign commerce. Agriculture, indeed, strictly speaking, could scarcely be called a source of wealth; for the portions of land assigned to each man, even if from the beginning they were as much as seven jugera, were not large enough to allow of the growth of much superfluous produce. The ager publicus, or undivided public land, was indeed of considerable extent, and this as being enjoyed exclusively by the patricians might have been a source of great profit. But in the earliest times it seems probable that the greatest part of this land was kept as pasture[3]; and only the small portions of two jugera, allotted by the houses to their clients, to be held during pleasure, were appropriated to tillage. The low prices of sheep and oxen show that cattle must have been abundant; the earliest revenue according to Pliny was derived from pasture; that is, the patricians paid so much to the state for their enjoyment of the ager publicus, which was left unenclosed as pasture ground; and all accounts speak of the great quantities of cattle reared in Italy from time immemorial. Cattle then may have been a source of wealth; but commerce

[3] "Diu," says Pliny, XVIII. 3, "pascua solum vectigal fuerant." Varro says, "Quos agros non colebant propter silvas, aut id genus ubi pecus posset pasci, et *possidebant*, ab usu suo Saltus nominarunt." De L. L. V. § 36. "Possidere," as Niebuhr's readers well know, is the proper term for the occupation of the public land. And the Scholiast on Thucydides, I. 139, rightly considers γῆς ἀορίστου to be equivalent to οὐ σπειρομένης, because undivided land was commonly left in pasture.

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must have been so in a still greater degree. The early foundation of Ostia at the mouth of the Tiber, ascribed to Ancus Marcius, could have had no object, unless the Romans had been engaged in foreign trade; and the treaty with Carthage, already alluded to, proves the same thing directly and undeniably. In this treaty, the Romans are allowed to trade with Sardinia, with Sicily, and with Africa westward of the Fair Headland, that is, with Carthage itself, and all the coast westward to the pillars of Hercules; and it is much more according to the common course of things, that this treaty should have been made to regulate a trade already in activity, than to call it for the first time into existence. By this commerce great fortunes were sure to be made, because there were as yet so many new markets[4] open to the enterprising trader, and none perhaps where the demand for his goods had been so steadily and abundantly supplied as to destroy the profit of his traffic. But although much wealth must thus have been brought into Rome, it is another question how widely it was distributed. Was foreign trade open to every Roman, or was it confined to the patricians and their clients, and in a still larger proportion to the king? The king had large domains of his own[5], partly arable, partly pasture,

[4] Thus Herodotus speaks of the enormous profits made by a Samian ship which accidentally found its way to Tartessus: observing τὸ δὲ ἐμπόριον τοῦτο ἦν ἀκήρατον τοῦτον τὸν χρόνον. IV. 152.

[5] Cicero, de Republicâ, V. 2. These were the Greek τεμένη, which the kings always had assigned to them. See Herodot. IV. 161.

and partly planted with vines and olives; hence he was in a condition to traffic with foreign countries, and much of the Roman commerce was probably carried on by the government for its own direct benefit, as was the case in Judæa in the reign of Solomon. The patricians also, we may be sure, exported, like the Russian nobility, the skins and wool of the numerous herds and flocks which they fed upon their public land, and were the owners of trading ships, as it was not till three centuries afterwards that a law [6] was passed with the avowed object of restraining senators, a term then become equivalent with patricians, from possessing ships of large burden. Nor can we suppose that the new plebeian centuries of knights, who had been chosen from the richest of the commons, were excluded from those commercial dealings which their order in later times almost monopolized. All these classes then might and probably did become wealthy; but it may be doubted whether the plebeian landholders had the same opportunities open to them. Agriculture was to them the business of their lives; if their estates were ill cultivated, they were liable to be degraded from their order; nor had they the capital which could enable them to enter with advantage upon foreign trade. It is possible indeed that foreign trade may have been one of the privileges of the higher classes, as it is at this day in Russia [7]; but surely Niebuhr is not warranted by the

[6] By Caius Flaminius, a short time before the second Punic war. See Livy, XXI. 63.

[7] Of the "Merchants of the three Guilds," only those of the first guild possessing a capital of

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passage which he quotes from Dionysius, in asserting that the plebeians were excluded from commerce as well as from handicraft occupations; retail trade[8], which is all that Dionysius speaks of, was considered by the ancients in a very different light from the wholesale dealings of the merchant with foreign countries.

Beyond this we have scarcely the means of proceeding. Setting aside the tyranny ascribed to Tarquinius, and remembering that it was his policy to deprive the commons of their lately-acquired citizenship, and to treat them like subjects rather than members of the state, the picture given of the wealth and greatness of Judæa under Solomon, may

at least fifty thousand francs, (something more than two thousand pounds,) are allowed to own merchant ships, and to carry on foreign trade. Those of the second guild may only trade within the Russian empire; those of the third guild may only carry on retail trades. See Schnitzler, Statistique de l'Empire de Russie, p. 117.

[8] Οὔτε κάπηλον οὔτε χειροτέχνην βίον ἔχειν, IX. 25. It is true that Dionysius had just before used the term ἐμπόρων, but I think that it is ἐμπόρων which he uses in an improper sense, and not κάπηλον. Cicero distinguishes between them in a well-known passage. "Sordidi etiam putandi qui mercantur a mercatoribus quod statim vendant: (κάπηλοι) opificesque omnes (χειρότεχναι) in sordidâ arte versantur. * * * Mercatura autem si tenuis est, sordida putanda est: sin magna et copiosa multa undique apportans, multisque sine vanitate impertiens, non est admodum vituperanda." De Officiis, II. prope finem. Cicero wrote at a time when all trade was considered degrading to a senator, and his language breathes the spirit of modern aristocracy. Yet even he distinguishes between the merchant and the petty trader or shopkeeper. The plebeians were excluded from following the latter callings by positive institution; from the former they might have been virtually excluded by their poverty.

Since writing the above note, I see that Niebuhr has himself tacitly corrected his mistake in the second volume, p. 450, 2nd Ed. by translating κάπηλον in this same passage of Dionysius, "wer *Kramhandel* erwählte," instead of "*Handel*." "Kramhandel" is "retail trade."

convey some idea of the state of Rome under its later kings. Powerful amongst surrounding nations, exposed to no hostile invasions, with a flourishing agriculture, and an active commerce, the country was great and prosperous; and the king was enabled to execute public works of the highest magnificence, and to invest himself with a splendour unknown in the earlier times of the monarchy. The last Tarquinius was guilty of individual acts of oppression, we may be sure, towards the patricians no less than the plebeians; but it was these last whom he laboured on system to depress and degrade, and whom he employed, as Solomon did the Canaanites[9], in all the servile and laborious part of his undertakings. Still the citizens or patricians themselves found that the splendour of his government had its burdens for them also; as the great majority of the Israelites, amid all the peace and prosperity of Solomon's reign, and although exempted from all servile labour, and serving only in honourable offices[10], yet complained that they had endured a grievous yoke, and took the first opportunity to relieve themselves from it by banishing the house of Solomon from among them for ever.

Population.

Of the population of Rome under its later kings nothing can be known with certainty, unless we consider as historical the pretended return of the census taken by Servius Tullius, eighty-four thousand seven hundred. Nor is it possible to estimate

[9] 1 Kings ix. 20, 21. [10] 1 Kings v. 22. Compare xii. 4—16.

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the numbers of the army from the account of the centuries. We are expressly told that the centuries were very unequal in the number of men contained in them; and even with regard to the centuries of the first class, we know not whether they consisted of any fixed number. It is possible that the century in the Roman army, like the τάξις in the Athenian, bore two different senses; the Athenian heavy-armed infantry were divided into ten τάξεις, but the number contained in each of these must necessarily have been indefinite. We read however of τάξεις and ταξίαρχοι in particular expeditions, by which apparently we are to understand certain drafts from the larger τάξεις with their commanders, and the numbers here would be fixed according to the force required for the expedition. So the centuriæ[11] of the different classes must have each furnished their contingents for actual service on a certain fixed proportion, and these contingents from the centuries would be called centuries themselves; but we do not know either their actual force or their force comparatively with one another; a century of the fifth class, consisting of light-armed soldiers, must have contained many more men than a century of heavy-armed soldiers of the first class.

Moral and political character of the Romans.

II. It is difficult to form a clear idea of the moral character of the Roman people under its kings, be-

[11] I propose to reserve all consideration of the numbers and constitution of the early Roman legion for the next volume, when we shall for the first time have any historical accounts in detail of the military operations of the Roman armies.

cause we cannot be sure that the pictures handed down to us of that period were not copied from the manners of a later time, and thus represent in fact the state of the Commonwealth rather than that of the Monarchy. Thus the simple habits of Lucretia seem copied from the matrons of the republic in the time of its early poverty, and cannot safely be ascribed to the princesses of the magnificent house of the Tarquinii. Again, we can scarcely tell how far we may carry back the origin of those characteristic points in the later Roman manners, the absolute authority possessed by the head of a family over his wife and children. But it is probable that they are of great antiquity; for the absolute power of a father over his sons extended only to those who were born in that peculiar form of marriage called Connubium, a connexion which anciently could only subsist between persons of the same order, and which was solemnized by a peculiar ceremony called Confarreatio; a ceremony so sacred, that a marriage thus contracted could only be dissolved by certain unwonted and horrible rites, purposely ordered as it seems to discourage the practice of divorce. All these usages point to a very great antiquity, and indicate the early severity of the Roman domestic manners, and the habits of obedience which every citizen learned under his father's roof. This severity however did not imply an equal purity; connubium could only be contracted with one wife, but the practice of concubinage was tolerated, although the condition of a concubine is marked as disreputable

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by a law so old as to be ascribed to Numa [12]. And the indecency of some parts of the ancient religious worship, and the licence allowed at particular festivals, at marriages, and in the festal meetings of men amongst themselves, belong so much to an agricultural people, as well as to human nature in general, that these too may be safely presumed to be coeval with the very origin of the Roman nation.

Their love of institutions and law.

But the most striking point in the character of the Romans, and that which has so permanently influenced the condition of mankind, was their love of institutions and of order, their reverence for law, their habit of considering the individual as living only for that society of which he was a member. This character, the very opposite to that of the barbarian and the savage, belongs apparently to that race to which the Greeks and Romans both belong, by whatever name, Pelasgian, Tyrrhenian, or Sikelian, we choose to distinguish it. It has indeed marked the Teutonic race, but in a less degree; the Kelts have been strangers to it, nor do we find it developed amongst the nations of Asia: but it strongly characterizes the Dorians in Greece, and the Romans; nor is it wanting among the Ionians, although in these last it was modified by that individual freedom which arose naturally from the surpassing vigour of their intellect, the destined well-spring of wisdom to the whole world. But in Rome, as at Lacedæmon, as there was much less activity of reason, so the ten-

[12] Pellex aram Junonis ne tangito . . . si tanget, Junoni crinibus demissis agnum fœminam cædito. Festus in "Pellex."

dency to regulate and to organize was much more predominant. Accordingly, we find traces of this character in the very earliest traditions of Roman story. Even in Romulus, his institutions go hand in hand with his deeds in arms; and the wrath of the gods darkened the last years of the warlike Tullus, because he had neglected the rites and ordinances established by Numa. Numa and Servius, whose memory was cherished most fondly, were known only as lawgivers; Ancus, like Romulus, is the founder of institutions as well as the conqueror, and one particular branch of law is ascribed to him as its author, the ceremonial to be observed before going to war. The two Tarquinii are represented as of foreign origin, and the character of their reigns is foreign also. They are great warriors and great kings; they extend the dominion of Rome; they enlarge the city, and embellish it with great and magnificent works; but they add nothing to its institutions; and it was the crime of the last Tarquinius to undo those good regulations which his predecessor had appointed.

Of the state of the arts.

It is allowed on all hands, that the works of art executed in Rome under the later kings, whether architecture[13] or sculpture[14], were of Etruscan origin;

[13] Intentus perficiendo templo, fabris undique ex Etruriâ accitis, &c. Livy, I. 56.

[14] Before the ornamenting of the temple of Ceres, at Rome, near the Circus Maximus, by two Greeks, Damophilus and Gorgasus, all works of painting or sculpture, according to Varro, had been Etruscan. (Pliny, XXXV. 12.) Micali supposes the temple here meant to have been the one vowed by A. Postumius, dictator at the battle of the lake Regillus, (Tacitus, Annal. II. 49,) described as a temple, "Libero, Liberæque

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but what is meant by "Etruscan," and how far Etruscan art was itself derived from Greece, is a question which has been warmly disputed. The statue of Jupiter[15] in the capitol, and the four-horsed chariot on the summit of the temple, together with most of the statues of the gods, were at this period wrought in clay; bronze was not generally employed till a later age. There is no mention of any

et Cereri, juxta Circum Maximum." At any rate the two Greek artists must belong to a period later than the foundation of the capitol.

[15] Pliny, XXXV. 12, quotes Varro, as saying "Turrianum a Fregellis accitum, cui locaret Tarquinius Priscus effigiem Jovis in capitolio dicandam." He had just before said that all the images of this period were Etruscan; how then do we find the statue of Jupiter himself ascribed to an artist of Fregellæ, a Volscian town on the Livis, with which the Romans in Tarquinius' reign are not known to have had any connexion? Besides, "Turrianus" is apparently only another form of "Tyrrhenus," and seems to mark the artist as an Etruscan. Are we then to read Fregenæ instead of Fregellæ, or are we to suppose the artist's fame to have been so eminent that the people of Fregellæ had first invited him thither from his own country, and the Roman king afterwards brought him from Fregellæ to Rome? In this manner Polycrates of Samos sent for Democedes the physician from Athens; and the Athenians had invited him from Æginia, where he had first settled after leaving his own country, Croton. Herodotus, III. 131.

But the question still returns, what is meant by Etruscan art? Are we to understand this term of the Etruscans properly so called, the conquerors of the Tyrrhenian Pelasgians, or of these Tyrrheno-Pelasgians themselves, who must have held Agylla at least, if not other places on the coast, down to the time of the last kings of Rome; or, again, how much of Etruscan art was introduced directly into Italy from Greece itself, as is indicated in the story of Demaratus coming from Corinth to Tarquinii, with the artists Eucbir and Eugrammus, "Cunning hand" and "Cunning carver?" The paintings at Ardea and Cære mentioned by Pliny both occur in towns of Pelasgian origin; and the arts may have thus been cultivated to a certain degree in Italy, even before the beginning of any communication with Greece. But the vases and other monuments now found in Etruscan towns, in the ruins of Tarquinii for instance, and of Vulci, belong to a later period, and are either actually of Greek workmanship, or were executed by Etruscans to whom Greek art was familiar. See M. Bunsen's "Discours," in the 6th volume of the Annals of the Antiquarian Institute of Rome, p. 40, &c.

paintings in Rome itself earlier than the time of the Commonwealth; but Pliny speaks of some frescoes at Ardea and at Cære, which he considered to be older than the very foundation of the city, and which in his own age preserved the freshness of their colouring, and in his judgment were works of remarkable merit. The Capitoline temple[16] itself was built nearly in the form of a square, each side being about two hundred feet in length; its front faced southwards, towards the forum and the Palatine, and had a triple row of pillars before it, while a double row inclosed the sides of the temple. These, it is probable, were not of marble, but made either of the stone of Rome itself, like the cloaca, or possibly from the quarries of Gabii or Alba.

Language and intellectual character of the Romans.

The end of the reign of the last king of Rome falls less than twenty years before the battle of Marathon. The age of the Greek heroic poetry was long since past; the evils of the iron-age, of that imperfect civilization, when legal oppression has succeeded to the mere violence of the plunderer and the conqueror, had been bewailed by Hesiod three centuries earlier; Theognis had mourned over the sinking importance of noble birth, and the growing influence of riches; the old aristocracies had been overthrown by single tyrants, and these again had every where yielded to the power of aristocracies under a mitigated form, which in some instances admitted a mixture of popular freedom. Alcæus and

[16] Dionysius, IV. 61.

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Sappho had been dead for more than half a century; Simonides was in the vigour of life; and prose history had already been attempted by Hecatæus of Miletus. Of the works of these last indeed only fragments have descended to us; but their entire writings, together with those of many other earlier poets, scattered up and down through a period of more than two hundred years, existed till the general wreck of ancient literature, and furnished abundant monuments of the vigour of the Greek mind, long before the period when history began faithfully to record particular events. But of the Roman mind under the kings, Cicero knew no more than we do. He had seen no works of that period, whether of historians or of poets; he had never heard the name of a single individual whose genius had made it famous, and had preserved its memory together with his own. A certain number of laws ascribed to the kings, and preserved, whether on tables of wood or brass in the Capitol, or in the collection of the jurist Papirius, were almost the sole monuments which could illustrate the spirit of the early ages of the Roman people. But even these, to judge from the few extracts with which we are acquainted, must have been modernized in their language; for the Latin of a law ascribed to Servius Tullius is perfectly intelligible, and not more ancient in its forms than that of the fifth century of Rome; whereas the few genuine monuments of the earliest times, the Hymns of the Salii, and of the Brotherhood of Husbandry, Fratres Arvales, required to be interpreted to the

Romans of Cicero's time like a foreign language; and of the Hymn of the Fratres Arvales we can ourselves judge, for it has been accidentally preserved to our days, and the meaning of nearly half of it is only to be guessed at. This agrees with what Polybius says of the language of the treaty between Rome and Carthage, concluded in the first year of the Commonwealth; it was so unlike the Latin of his own time, the end of the sixth and beginning of the seventh century of Rome, that even those who understood it best found some things in it which with their best attention they could scarcely explain. Thus, although verses were undoubtedly made and sung in the times of the kings, at funerals and at feasts, in commemoration of the worthy deeds of the noblest of the Romans; and although some of the actual stories of the kings may perhaps have come down from this source, yet it does not appear that they were ever written; and thus they were altered from one generation to another, nor can any one tell at what time they attained to their present shape. Traces of a period much later than that of the kings may be discerned in them; and I see no reason to differ from the opinion of Niebuhr, who thinks that as we now have them they are not earlier than the restoration of the city after the invasion of the Gauls. CHAP. VI.

If this be so, there rests a veil not to be removed, not only on the particular history of the early Romans, but on that which we should much more desire to know, and which in the case of Greece stands

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forth in such full light, the nature and power of their genius; what they thought, what they hated, and what they loved. Yet although the legends of the early Roman story are neither historical, nor yet coeval with the subjects which they celebrate, still their fame is so great, and their beauty and interest so surpassing, that it would be unpardonable to sacrifice them altogether to the spirit of inquiry and of fact, and to exclude them from the place which they have so long held in Roman history. Nor shall I complain of my readers, if they pass over with indifference these attempts of mine to put together the meagre fragments of our knowledge, and to present them with an outline of the times of the kings, at once incomplete and without spirit; while they read with eager interest the immortal story of the fall of Tarquinius, and the wars with Porsenna and the Latins, as it has been handed down to us in the rich colouring of the old heroic lays of Rome.

CHAPTER VII.

THE STORY OF THE BANISHING OF KING TARQUINIUS AND HIS HOUSE, AND OF THEIR ATTEMPTS TO GET THEMSELVES BROUGHT BACK AGAIN.

" Vis et Tarquinios reges, animamque superbam
Ultoris Bruti, fascesque videre receptos?"
VIRGIL, Æn. VI.

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How king Tarquinius, affrighted by a prodigy in his palace, sent two of his sons with Lucius Brutus to consult the oracle of Delphi.

WHILE king Tarquinius was at the height of his greatness, it chanced upon a time, that from the altar[1] in the court of his palace there crawled out a snake, which devoured the offerings laid on the altar. So the king thought it not enough to consult the soothsayers of the Etruscans whom he had with him, but he sent two of his own sons to Delphi, to ask counsel of the oracle of the Greeks; for the oracle of Delphi[2] was famous in all lands. So his sons Titus and Aruns went to Delphi, and they

[1] Ovid, Fasti, II. 711.
Ecce, nefas visu, mediis altaribus anguis
Exit, et extinctis ignibus exta rapit.

[2] Livy, I. 56, maxime inclitum in terris oraculum. The story of the last of the Roman kings sending to consult the oracle at Delphi, is in itself nothing improbable. We read of the Agyllæans of Agylla or Cære doing the same thing at an earlier period. Herodotus, I. 167. These were Tyrrhenians, or Pelasgians; and there was a sufficient mixture of the same race in the Roman people, to give them a natural connexion with the religion of Greece.

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took with them their cousin Lucius Junius, whom men called Brutus, that is, the Dullard; for he seemed to be wholly without wit, and he would eat wild figs with honey [3]. This Lucius was not really dull, but very subtle; and it was for fear of his uncle's cruelty, that he made himself as one without sense; for he was very rich, and he feared lest king Tarquinius should kill him for the sake of his inheritance. So when he went to Delphi he carried with him a staff of horn, and the staff was hollow, and it was filled within with gold, and he gave the staff to the oracle [4] as a likeness of himself; for though he seemed dull, and of no account to look upon, yet he had a golden wit within. When the three young men had performed the king's bidding, they asked the oracle for themselves, and they said, "O Lord Apollo, tell us, which of us shall be king in Rome?" Then there came a voice from the sanctuary and said, "Whichever of you shall first kiss his mother." So the sons of Tarquinius agreed to draw lots between themselves, which of them should first kiss their mother, when they should have returned to Rome; and they said they would keep the oracle secret from their brother Sextus, lest he should be

[3] A. Postumius Albinus, contemporary with Cato the censor, quoted by Macrobius, Saturnalia, II. 16. Grossulos ex melle edebat. "Ex melle," dipping them into the honey, and eating them when just taken out of it, *i. e.* with the honey clinging all about them. Compare Plautus, Merc. I. 2. 28. "Resinam ex melle devorato," where the sense of the preposition can hardly be distinguished from that of "cum." Grossi and grossuli are imperfect and unripe figs; either those of the wild fig which never come to perfection, or the young fruit of the cultivated fig, gathered before its time.

[4] Per ambages effigiem ingenii sui. Livy, I. 56.

king rather than they. But Lucius understood the mind of the oracle better; so as they all went down from the temple, he stumbled as if by chance, and fell with his face to the earth, and kissed the earth; for he said, "The earth is the true mother of us all." CHAP VII.

How at the siege of Ardea the Roman princes disputed about the worth of their wives, and how Lucretia was judged the worthiest.

Now when they came back to Rome, king Tarquinius was at war with the people of Ardea[5]: and as the city was strong, his army lay a long while before it, till it should be forced to yield through famine. So the Romans had leisure for feasting and for diverting themselves: and once Titus and Aruns[6] were supping with their brother Sextus, and their cousin Tarquinius of Collatia was supping with them. And they disputed about their wives, whose wife of them all was the worthiest lady. Then said Tarquinius of Collatia, "Let us go, and see with our own eyes what our wives are doing, so shall we know which is the worthiest." Upon this they all mounted their horses, and rode first to Rome; and there they found the wives of Titus, and of Aruns, and of Sextus, feasting and making merry. They then rode on to Collatia, and it was late in the night, but they found Lucretia, the wife of Tarquinius of Collatia, neither feasting, nor yet sleeping, but she was sitting with all her handmaids around her, and all were working at the loom. So when they saw this, they all said, "Lucretia is the

[5] Livy, I. 57. This is one of the incongruities of the story. Ardea, in the first year of the Commonwealth, is mentioned as one of the dependent allies of Rome. See the famous treaty with Carthage, as given by Polybius, III. 22.

[6] Livy, I. 57.

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worthiest lady." And she entertained her husband and his kinsmen, and after that they rode back to the camp before Ardea.

Of the wicked deed of Sextus Tarquinius against Lucretia.

But a spirit of wicked passion[7] seized upon Sextus, and a few days afterwards he went alone to Collatia, and Lucretia received him hospitably, for he was her husband's kinsman. At midnight he arose and went to her chamber, and he said that if she yielded not to him, he would slay her and one of her slaves with her, and would say to her husband that he had slain her in her adultery. So when Sextus had accomplished his wicked purpose, he went back again to the camp.

How Lucretia, having told the wickedness to her husband and her father, slew herself.

Then Lucretia[8] sent in haste to Rome, to pray that her father Spurius Lucretius would come to her: and she sent to Ardea to summon her husband. Her father brought along with him Publius Valerius, and her husband brought with him Lucius Junius, whom men call Brutus. When they arrived, they asked earnestly, "Is all well?" Then she told them of the wicked deed of Sextus, and she said, "If ye be men, avenge it." And they all swore to her, that they would avenge it. Then she said again, "I am not guilty; yet must I too share in the punishment of this deed, lest any should think that they may be false to their husbands and live." And she drew a knife from her bosom, and stabbed herself to the heart.

How her father and

At that sight[9] her husband and her father cried

[7] Livy, I. 58. [8] Livy, I. 58. [9] Livy, I. 59.

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her husband and Lucius Brutus excited the people to drive out king Tarquinius and his house.

aloud; but Lucius drew the knife from the wound, and held it up, and said, "By this blood I swear, that I will visit this deed upon king Tarquinius, and all his accursed race; neither shall any man hereafter be king in Rome, lest he do the like wickedness." And he gave the knife to her husband, and to her father, and to Publius Valerius. They marvelled to hear such words from him whom men called dull; but they swore also, and they took up the body of Lucretia, and carried it down into the forum; and they said, "Behold the deeds of the wicked family of Tarquinius." All the people of Collatia were moved, and the men took up arms, and they set a guard at the gates, that none might go out to carry the tidings to Tarquinius, and they followed Lucius to Rome. There, too, all the people came together, and the crier summoned them to assemble before the tribune of the Celeres, for Lucius held that office[10]. And Lucius spoke to them of all the tyranny of Tarquinius and his sons, and of the wicked deed of Sextus. And the people in their curiæ took back from Tarquinius the sovereign power, which they had given him, and they banished

[10] The tribune of the Celeres was to the king, what the master of the horse was afterwards to the dictator. It is hardly necessary to point out the extravagance of the story, in representing Brutus, though a reputed idiot, yet invested with such an important office. Festus says that Brutus, in old Latin, was synonymous with Gravis; this would show a connexion between the word and the Greek *βαρύς*. It is very possible that its early signification, as a cognomen, may have differed very little from that of Severus. When the signification of "dulness" came to be more confirmed, the story of Brutus' pretended idiotcy would be invented to explain the fact of so wise a man being called by such a name.

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him and all his family. Then the younger men followed Lucius to Ardea, to win over the army there to join them; and the city was left in the charge of Spurius Lucretius. But the wicked Tullia fled in haste from her house, and all, both men and women, cursed her as she passed, and prayed that the furies of her father's blood might visit her with vengeance.

Of the driving out of king Tarquinius, and how two yearly magistrates were appointed in his room.

Meanwhile [11] king Tarquinius set out with speed to Rome to put down the tumult. But Lucius turned aside from the road, that he might not meet him, and came to the camp; and the soldiers joyfully received him, and they drove out the sons of Tarquinius. King Tarquinius came to Rome, but the gates were shut, and they declared to him, from the walls, the sentence of banishment which had been passed against him and his family. So he yielded to his fortune, and went to live at Cære with his sons Titus and Aruns. His other son, Sextus [12], went to Gabii, and the people there, remembering how he had betrayed them to his father, slew him. Then the army left the camp before Ardea, and went back to Rome. And all men said, "Let us follow the good laws of the good king Servius; and let us meet in our centuries, according as he directed [13], and let us choose two men year by year to govern

[11] Livy, I. 60.

[12] Livy, I. 60. Dionysius makes Sextus live till the battle by the lake Regillus, and describes him as killed there. When the stories differ, I have generally followed Livy, as the writer of the best taste, and likely to give the oldest and most poetical version of them.

[13] Consules inde comitiis centuriatis — ex commentariis Ser. Tullii creati sunt. Livy, I. 60.

us, instead of a king." Then the people met in their centuries in the field of Mars, and they chose two men to rule over them, Lucius Junius, whom men called Brutus, and Lucius Tarquinius of Collatia.

How Lucius Tarquinius, the husband of Lucretia, was driven out also for his name's sake.

But the people[14] were afraid of Lucius Tarquinius for his name's sake, for it seemed as though a Tarquinius were still king over them. So they prayed him to depart from Rome, and he went and took all his goods with him, and settled himself at Lavinium. Then the senate and the people decreed that all the house of the Tarquinii should be banished, even though they were not of the king's family. And the people met again in their centuries, and chose Publius Valerius to rule over them together with Brutus, in the room of Lucius Tarquinius of Collatia.

The laws of the good king Servius restored.

Now at this time[15] many of the laws of the good king Servius were restored, which Tarquinius the tyrant had overthrown. For the commons again chose their own judges, to try all causes between a man and his neighbour; and they had again their meetings and their sacrifices in the city and in the country, every man in his own tribe and in his own district. And lest there should seem to be two kings instead of one, it was ordered that one only of the two should bear rule at one time, and that the lictors with their rods and axes should walk before him alone. And the two were to bear rule month by month.

How certain of the young

Then king Tarquinius[16] sent to Rome, to ask for

[14] Livy, II. 2.
[15] Dionysius, V. 2.
[16] Livy, II. 3, 4.

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all the goods that had belonged to him; and the senate after a while decreed that the goods should be given back. But those whom he had sent to Rome to ask for his goods, had meetings with many young men of noble birth, and a plot was laid to bring back king Tarquinius. So the young men wrote letters to Tarquinius, pledging to him their faith, and among them were Titus and Tiberius, the sons of Brutus. But a slave happened to overhear them talking together, and when he knew that the letters were to be given to the messengers of Tarquinius, he went and told all that he had heard to Brutus and to Publius Valerius. Then they came and seized the young men and their letters, and so the plot was broken up.

Romans plotted to bring back king Tarquinius.

After this there was a strange and piteous sight to behold. Brutus and Publius[17] sat on their judgment-seats in the forum, and the young men were brought before them. Then Brutus bade the lictors to bind his own two sons, Titus and Tiberius, together with the others, and to scourge them with rods, according to the law. And after they had been scourged, the lictors struck off their heads with their axes, before the eyes of their father; and Brutus neither stirred from his seat, nor turned away his eyes from the sight, yet men saw as they looked on him that his heart was grieving inwardly[18] over his children. Then they marvelled at him, because he had loved justice more than his own blood, and had

How Lucius Brutus sat in judgment upon his own sons.

[17] Livy, II. 5.

[18] Eminente animo patrio inter publicæ pœnæ ministerium. Livy, II. 5.

not spared his own children when they had been false to their country, and had offended against the law.

How the people of Veii and Tarquinii made war upon the Romans, and how Lucius Brutus was slain.

When[19] king Tarquinius found that the plot was broken up, he persuaded the people of Veii and the people of Tarquinii, cities of the Etruscans, to try to bring him back to Rome by force of arms. So they assembled their armies, and Tarquinius led them within the Roman border. Brutus and Publius led the Romans out to meet them, and it chanced that Brutus, with the Roman horsemen, and Aruns, the son of king Tarquinius, with the Etruscan horse, met each other in advance of the main battles. Aruns, seeing Brutus in his kingly robe, and with the lictors of a king around him, levelled his spear, and spurred his horse against him. Brutus met him, and each ran his spear through the body of the other, and they both fell dead. Then the horsemen on both parts fought, and afterwards the main battles, and the Veientians were beaten, but the Tarquinians beat the Romans, and the battle was neither won nor lost; but in the night there came a voice out of the wood that was hard by, and it said, "One man more[20] has fallen on the part of the Etruscans than on the part of the Romans; the Romans are to conquer in the war." At this the Etruscans were afraid, and believing the voice, they immediately marched home to their own country, while the Romans took up Brutus, and carried him

[19] Livy, II. 6.

[20] Uno plus Etruscorum cecidisse in acie; vincere bello Romanum. Livy, II. 7.

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home and buried him; and Publius made an oration in his praise, and all the matrons of Rome mourned for him for a whole year, because he had avenged Lucretia well.

How Publius Valerius was suspected by the people, and how he cleared himself.

When Brutus was dead[21], Publius ruled over the people himself; and he began to build a great and strong house on the top of the hill Velia, which looks down upon the forum[22]. This made the people say, "Publius wants to become a king, and is building a house in a strong place, as if for a citadel where he may live with his guards, and oppress us." But he called the people together, and when he went down to them, the lictors who walked before him lowered the rods and the axes which they bore, to show that he owned the people to be greater than himself. He complained that they had mistrusted him, and he said that he would not build his house on the top of the hill Velia, but at the bottom of it, and his house should be no stronghold. And he called on them to make a law[23], that whoever should try to make himself king should be accursed, and whosoever would might slay him. Also, that if a magistrate were going to scourge or kill any citizen, he might carry his cause before the people, and they should judge him. When these laws were passed, all men said, "Publius is a lover of the people, and seeks their good:" and he was called Poplicola, which means, "the people's friend," from that day forward.

[21] Livy, II. 7.

[22] It is the rising ground just under the Palatine, up which the Via Sacra passes. The arch of Titus is on the Velian Hill.

[23] Livy, II. 8.

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Then Publius called the people together[24] in their centuries, and they chose Spurius Lucretius, the father of Lucretia, to be their magistrate for the year, in the room of Brutus. But he was an old man, and his strength was so much gone, that after a few days he died. They then chose in his room Marcus Horatius[25].

Of the dedicating of the temple on the Capitol by Marcus Horatius.

Now Publius and Marcus cast lots which should dedicate the temple to Jupiter on the hill of the Capitol, which king Tarquinius had built; and the lot fell to Marcus, to the great discontent of the friends of Publius[26]. So when Marcus was going to begin the dedication, and had his hand on the door-post of the temple, and was speaking the set words of prayer, there came a man running to tell him that his son was dead. But he said, "Then let them carry him out and bury him;" and he neither wept, nor lamented, for the words of lamentation ought not to be spoken when men are praying to the blessed gods, and dedicating a temple to their honour. So Marcus honoured the gods above his son, and dedicated the temple on the hill of the Capitol; and his name was recorded on the front of the temple.

How king Porsenna made war upon the Romans, to make them take back king Tarquinius.

But when king Tarquinius found that the Veientians and Tarquinians were not able to restore him to his kingdom, he went to Clusium[27], a city in the farthest part of Etruria, beyond the Ciminian forest,

[24] Livy, II. 8.

[25] The treaty with Carthage makes M. Horatius the colleague of Brutus: another proof of the irreconcileableness of the common story with the real but lost history.

[26] Livy, II. 8.

[27] Livy, II 9.

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and besought Lars Porsenna[28], the king of Clusium, to aid him. So Porsenna raised a great army, and marched against Rome, and attacked the Romans on the hill Janiculum, the hill on the outside of the city beyond the Tiber; and he drove them down from the hill into the city. There was a wooden bridge over the Tiber at the bottom of the hill, and the Etruscans followed close upon the Romans to win the bridge, but a single man, named Horatius Cocles, stood fast upon the bridge, and faced the Etruscans[29]; two others then resolved to stay with him, Spurius Lartius and Titus Herminius; and these three men stopped the Etruscans, while the Romans, who had fled over the river, were busy in cutting away the bridge. When it was nearly all cut away, Horatius made his two companions leave him, and pass over the bridge into the city. Then he stood alone on the bridge, and defied all the army of the Etruscans; and they showered their javelins upon him, and he caught them on his shield, and stood yet unhurt. But just as they were rushing on him, to drive him from his post by main force, the last beams of the bridge were cut away, and it all fell with a mighty crash into the river; and while the Etruscans wondered, and stopped in their course, Horatius turned and prayed to the god of the river, "O father[30] Tiber, I pray thee to receive these arms, and me

Of the worthy deed of Horatius Cocles.

[28] "Lars," like "lucumo," is not an individual name, but expresses the rank of the person, like ἄναξ. Micali connects it with the Teutonic word "Lord."

[29] Livy, II. 10.

[30] "Tiberine pater, te sancte precor, hæc arma et hunc militem propitio flumine accipias." Livy, II. 10.

who bear them, and to let thy waters befriend and save me." Then he leapt into the river; and though the darts fell thick around him, yet they did not hit him, and he swam across to the city safe and sound [31]. For this the Romans set up his statue in the comitium, and gave him as much land as he could drive the plough round in the space of a whole day.

How Caius Mucius sought the life of king Porsenna; and how he burned his own hand in the fire.

But the Etruscans still lay before the city, and the Romans suffered much from hunger. Then a young man of noble blood, Caius Mucius [32] by name, went to the senate, and offered to go to the camp of the Etruscans, and to slay king Porsenna. So he crossed the river, and made his way into the camp, and there he saw a man sitting on a high place, and wearing a scarlet robe, and many coming and going about him; and, saying to himself, "This must be king Porsenna," he went up to his seat amidst the crowd, and when he came near to the man he drew a dagger from under his garment, and stabbed him. But it was the king's scribe whom he had slain, who was the king's chief officer; so he was seized and brought before the king, and the guards threatened [33] him with sharp torments, unless he would answer

[31] Polybius says that he was killed, VI. 55. It is vain to attempt to write a history of these events; and none can doubt that the poetical story, which alone I am wishing to preserve, was that given by Livy.

[32] "Adolescens nobilis," Livy, II. 12. Niebuhr doubts whether the old story called him by any other name than Caius. Mucius, he thinks, was a later addition; because the Mucii had the same cognomen of Scævola; and he considers it inconsistent, because the Mucii were plebeians.

[33] Here I have followed Dionysius rather than Livy, because in Livy's story Mucius tells Porsenna in reward of his generosity no more than he had told him at first as a mere vaunt to frighten him.

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all their questions. But he said, "See now, how little I care for your torments;" and he thrust his right hand into the fire that was burning there on the altar, and he did not move it till it was quite consumed. Then king Porsenna marvelled at his courage, and said, "Go thy way, for thou hast harmed thyself more than me; and thou art a brave man, and I send thee back to Rome unhurt and free." But Caius answered, "For this thou shalt get more of my secret than thy tortures could have forced from me. Three hundred noble youths of Rome have bound themselves by oath to take thy life. Mine was the first adventure; but the others will each in his turn lie in wait for thee. I warn thee therefore to look to thyself well." Then Caius was let go, and went back again into the city.

Of the peace made between king Porsenna and the Romans; and of the great spirit of the maiden Clœlia.

But king Porsenna was greatly moved[34], and made the Romans offers of peace, to which they listened gladly, and gave up the land beyond the Tiber which had been won in former times from the Veientians; and he gave back to them the hill Janiculum. Besides this the Romans gave hostages to the king, ten youths and ten maidens, children of noble fathers, as a pledge that they would truly keep the peace which they had made. But it chanced as the camp of the Etruscans was near the Tiber, that Clœlia, one of the maidens, escaped with her fellows and fled to the brink of the river, and as the Etruscans pursued them, Clœlia spoke to the other

[34] Livy, II. 13.

maidens, and persuaded them, and they rushed all into the water, and swam across the river, and got safely over. At this king Porsenna marvelled more than ever, and when the Romans sent back Clœlia and her fellows to him, for they kept their faith truly, he bade her go home free, and he gave her some of the youths also who were hostages, to choose whom she would; and she chose those who were of tenderest age, and king Porsenna set them free. Then the Romans gave lands to Caius, and set up a statue of Clœlia in the highest part of the Sacred Way; and king Porsenna led away his army home in peace. CHAP. VII.

How Tarquinius sought for aid from the Latins.

After this king Porsenna[35] made war against the Latins, and his army was beaten, and fled to Rome; and the Romans received them kindly, and took care of those who were wounded, and sent them back safe to king Porsenna. For this the king gave back to the Romans all the rest of their hostages whom he had still with him, and also the land which they had won from the Veientians. So Tarquinius, seeing that there was no more hope of aid from king Porsenna, left Clusium and went to Tusculum of the Latins; for Mamilius Octavius, the chief of the Tusculans, had married his daughter, and he hoped that the Latins would restore him to Rome, for their cities were many, and when he had been king he had favoured them rather than the Romans.

Of the war between the

So after a time thirty cities of the Latins joined

[35] Livy, II. 14, 15.

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Romans and Latins on account of Tarquinius.

together and made Octavius Mamilius their general, and declared war against the Romans. Now Publius Valerius was dead, and the Romans so loved and honoured him that they buried him within the city [36], near the hill Velia, and all the matrons of Rome had mourned for him for a whole year: also because the Romans [37] had the Sabines for their enemies as well as the Latins, they had made one man to be their ruler for a time instead of two; and he was called the Master of the people, or the commander, and he had all the power which the kings of Rome had in times past. So Aulus Postumius was appointed Master of the people at this time, and Titus Æbutius was the chief or Master of the horsemen; and they led out the whole force of the Romans, and met the Latins by the lake Regillus, in the country of Tusculum: and Tarquinius himself was with the army of the Latins, and his son and all the houses of the Tarquinii; for this was their last hope, and fate was now to determine whether the Romans should be ruled over by king Tarquinius, or whether they should be free for ever.

How the Roman women who were married to Latin husbands came home to Rome.

There were many Romans who had married Latin wives [38], and many Latins who had married wives from among the Romans. So before the war began, it was resolved that the women on both sides might leave their husbands if they chose, and take their virgin daughters with them, and return to their own country. And all the Latin women, except two,

[36] Plutarch in Publicola, 23. Livy, II. 16.

[37] Livy, II. 18.

[38] Dionysius, VI. 1.

remained in Rome with their husbands: but the Roman women loved Rome more than their husbands, and took their young daughters with them, and came home to the houses of their fathers.

Of the great battle by the lake Regillus.

Then the Romans and the Latins joined battle by the lake Regillus[39]. There might you see king Tarquinius, though far advanced in years, yet mounted on his horse and bearing his lance in his hand, as bravely as though he were still young. There was his son Tarquinius, leading on to battle all the band of the house of the Tarquinii, whom the Romans had banished for their names' sake, and who thought it a proud thing to win back their country by their swords, and to become again the royal house, to give a king to the Romans. There was Octavius Mamilius, of Tusculum, the leader of all the Latins, who said, that he would make Tarquinius his father king once more in Rome, and the Romans should help the Latins in all their wars, and Tusculum should be the greatest of all the cities whose people went up together to sacrifice to Jupiter of the Latins, at his temple on the high top of the mountain of Alba. And on the side of the Romans might be seen Aulus Postumius, the Master of the people, and Titus Æbutius, the Master of the horsemen. There also was Titus Herminius, who had fought on the bridge by the side of Horatius Cocles, on the day when they saved Rome from king Porsenna. There was Marcus Valerius, the brother of Publius, who said he would

[39] Livy, II. 19.

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finish by the lake Regillus[40] the glorious work which Publius had begun in Rome; for Publius had driven out Tarquinius and his house, and had made them live as banished men, and now they should lose their lives as they had lost their country. So at the first onset king Tarquinius levelled his lance, and rode against Aulus; and on the left of the battle, Titus Æbutius spurred his horse against Octavius Mamilius. But king Tarquinius, before he reached Aulus, received a wound into his side, and his followers gathered around him, and bore him out of the battle. And Titus and Octavius met lance to lance, and Titus struck Octavius on the breast, and Octavius ran his lance through the arm of Titus. So Titus withdrew from the battle, for his arm could no longer wield its weapon; but Octavius heeded not his hurt, but when he saw his Latins giving ground, he called to the banished Romans of the house of the Tarquinii, and sent them into the thick of the fight. On they rushed so fiercely that neither man nor horse could stand before them; for they thought how they had been driven from their country, and spoiled of their goods, and they said that they would win back both that day through the blood of their enemies.

How two horsemen, on white horses, appeared in the battle, and fought for the Romans.

Then Marcus Valerius, the brother of Publius, levelled his lance and rode fiercely against Titus Tarquinius, who was the leader of the band of the Tarquinii. But Titus drew back, and sheltered himself

[40] Domesticâ etiam gloriâ accensus, ut cujus familiæ decus ejecti reges erant, ejusdem interfecti forent. Livy, II. 20.

amidst his band; and Marcus rode after him in his fury, and plunged into the midst of the enemy, and a Latin ran his lance into his side, as he was rushing on; but his horse stayed not in his career, till Marcus dropped from him dead upon the ground. Then the Romans feared yet more, and the Tarquinii charged yet more vehemently, till Aulus, the leader of the Romans, rode up with his own chosen band; and he bade them level their lances, and slay all whose faces were towards them, whether they were friends or foes. So the Romans turned from their flight, and Aulus and his chosen band fell upon the Tarquinii; and Aulus prayed, and vowed that he would raise a temple to Castor and to Pollux[41], the twin heroes, if they would aid him to win the battle; and he promised to his soldiers that the two who should be the first to break into the camp of the enemy should receive a rich reward. When behold there rode two horsemen at the head of his chosen band [42], and they were taller and fairer than after the stature and beauty of men, and they were in the first bloom of youth, and their horses were white as snow. Then there was a fierce battle, when Octavius, the leader of the Latins, came up with aid to rescue the Tarquinii; for Titus Herminius rode against him, and ran his spear through his body, and slew him at one blow; but as he was spoiling him of his arms, he himself was struck by a javelin, and he was borne out of the fight and died. And the two horsemen

[41] Livy, II. 20.

[42] Dionysius, VI. 13.

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on white horses rode before the Romans; and the enemy fled before them, and the Tarquinii were beaten down and slain, and Titus Tarquinius was slain among them; and the Latins fled, and the Romans followed them to their camp, and the two horsemen on white horses were the first who broke into the camp. But when the camp was taken, and the battle was fully won, Aulus sought for the two horsemen to give them the rewards which he had promised; and they were not found either amongst the living or amongst the dead, only there was seen imprinted [43] on the hard black rock [44], the mark of a horse's hoof, which no earthly horse had ever made; and the mark was there to be seen in after-ages. And the battle was ended, and the sun went down.

How the two horsemen appeared at Rome in the evening, and told that the battle was won.

Now they knew at Rome [45] that the armies had joined battle, and as the day wore away all men longed for tidings. And the sun went down, and suddenly there were seen in the forum two horsemen, taller and fairer than the tallest and fairest of men, and they rode on white horses, and they were as men just come from the battle, and their horses were all bathed in foam. They alighted by the temple of

[43] Cicero, de Naturâ Deorum, III. 5.

[44] The lake of Regillus is now a small and weedy pool surrounded by crater-like banks, and with much lava or basalt about it, situated at some height above the plain, on the right hand of the road as you descend from the high ground under La Colonna, Labicum, to the ordinary level of the Campagna, in going to Rome. Cicero speaks of the mark being visible "in silice;" and silex is the name given by the Roman writers to the lava and basalt of the neighbourhood of Rome.

[45] Dionysius, VI. 13.

Vesta, where a spring of water bubbles up from the ground and fills a small deep pool. There they washed away the stains of the battle, and when men crowded round them, and asked for tidings, they told them how the battle had been fought, and how it was won. And they mounted their horses, and rode from the forum, and were seen no more; and men sought for them in every place, but they were not found.

The two horsemen were the twin heroes, Castor and Pollux.

Then Aulus and all the Romans knew how Castor and Pollux, the twin heroes, had heard his prayer, and had fought for the Romans, and had vanquished their enemies, and had been the first to break into the enemies' camp, and had themselves, with more than mortal speed, borne the tidings of their victory to Rome. So Aulus built a temple according to his vow to Castor and Pollux, and gave rich offerings, for he said, "These are the rewards which I promised to the two who should first break into the enemies' camp; and the twin heroes have won them, and they and no mortal men have won the battle for Rome this day."

How Tarquinius, after the ruin of his house, went to Cumæ, and died.

So perished the house of the Tarquinii, in the great battle by the lake Regillus, and all the sons of king Tarquinius, and his son-in-law Octavius Mamilius, were slain on that battle-field. Thus king Tarquinius saw the ruin of all his family and of all his house, and he was left alone, utterly without hope. So he went to Cumæ [46], a city of the Greeks,

[46] Livy, II. 21.

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and there he died. And thus the deeds of Tarquinius and of the wicked Tullia, and of Sextus their son, were visited upon their own heads; and the Romans lived in peace, and none threatened their freedom any more.

CHAPTER VIII.

ROME AFTER THE END OF THE MONARCHY—THE DICTATORSHIP—THE TRIBUNES OF THE COMMONS.

Ἡμεῖς δὲ ἀνδρῶν τῶν ἀρίστων ἐπιλέξαντες ὁμιλίην τούτοισι περιθέωμεν τὸ κράτος· ἐν γὰρ δὴ τούτοισι καὶ αὐτοὶ ἐσόμεθα.—HERODOT. III. 81.

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The Roman history is still meagre and uncertain.

MEN love to complete what is imperfect, and to realize what is imaginary. The portraits of king Fergus and his successors in Holyrood palace were an attempt to give substance to the phantom names of the early Scotch story; those of the founders of the oldest colleges in the gallery of the Bodleian library betray the tendency to make much out of little, to labour after a full idea of those who are only known to us by one particular action of their lives. So it has fared with the early history of Rome: Romulus and Numa are like king Fergus; John of Balliol, and Walter of Merton, are the counterparts of Servius Tullius, and Brutus, and Poplicola. Their names were known, and their works were living; and men, longing to image them to their minds more completely, made up by invention for the want of knowledge, and composed in one

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case a pretended portrait, in the other a pretended history.

There have been hundreds, doubtless, who have looked on the portrait of John of Balliol, and, imposed upon by the name of portrait, and by its being the first in a series of pictures, of which the greater part were undoubtedly copied from the life, have never suspected that the painter knew no more of the real features of his subject than they did themselves. So it is that we are deceived by the early history of the Roman Commonwealth. It wears the form of annals, it professes to mark accurately the events of successive years, and to distinguish them by the names of the successive consuls, and it begins a history, which going on with these same forms and pretensions to accuracy, becomes after a time in a very large proportion really accurate, and ends with being as authentic as any history in the world. Yet the earliest annals are as unreal as John of Balliol's portrait; there is in both cases the same deception. I cannot as yet give a regular history of the Roman people; all that can be done with the first years of the Commonwealth, as with the last of the Monarchy, is to notice the origin and character of institutions, and for the rest, to be contented with that faint outline which alone can be relied upon as real.

The commons gained something by the expulsion of Tarquinius.

The particulars of the expulsion of the last king of Rome, and his family and house, can only be given as they already have been, in their poetical form. It by no means follows that none of them

are historical, but we cannot distinguish what are so. But we may be certain, whether Brutus belonged to the commons, as Niebuhr thinks, or not, that the commons immediately after the revolution recovered some of the rights of which the last king had deprived them; and these rights were such as did not interfere with the political ascendancy of the patricians, but yet restored to the commons their character of an order, that is, a distinct body with an internal organization of its own. The commons again chose their judges to decide ordinary civil causes[1] when both parties belonged to their own order, and they again met in their Compitalia and Paganalia, the common festivals of the inhabitants of the same neighbourhood in the city and in the country. They also gained the important privilege of being, even in criminal matters, judges of their own members, in case of an appeal from the sentence of the magistrate. As a burgher might appeal to the people or great council of the burghers, so a commoner might appeal to the commons assembled in their tribes, and thus in this respect the two orders of the nation were placed on a footing of equality. It is said also that a great many of the richest families of the commons who belonged to the centuries of knights, or horsemen, were admitted as new patrician houses into the order of the patricians, or burghers, or people of Rome; for I must again observe, that the Roman people or burghers, and the Roman commons, will

[1] *Δίκας περὶ τῶν συμβολαίων*, Dionysius, V. 2.

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still for a long period require to be carefully distinguished from each other.

Foreign relations of Rome. Rupture of the alliance with the Latins. The territory on the right bank of the Tiber is conquered by the Etruscans.

In the first year of the Commonwealth, the Romans still possessed the dominion enjoyed by their kings; all the cities of the coast of Latium, as we have already seen, were subjected to them as far as Terracina. Within twelve years, we cannot certainly say how much sooner, these were all become independent. This is easily intelligible, if we only take into account the loss to Rome of an able and absolute king, the natural weakness of an unsettled government, and the distractions produced by the king's attempts to recover his throne. The Latins may have held, as we are told of the Sabines[2] in this very time, that their dependent alliance with Rome had been concluded with king Tarquinius, and that as he was king no longer, and as his sons had been driven out with him, all covenants between Latium and Rome had become null and void. But it is possible also, if the chronology of the common story of these times can be at all depended on, that the Latin cities owed their independence to the Etruscan conquest of Rome. For that war, which has been given in its poetical version as the war with Porsenna, was really a great outbreak of the Etruscan power upon the nations southward of Etruria, in the very front of whom lay the Romans. In the very next year after the expulsion of the king, according to the common story, and certainly at some

[2] Dionysius, V. 40.

time within the period with which we are now concerned, the Etruscans fell upon Rome. The result of the war is, indeed, as strangely disguised in the poetical story as Charlemagne's invasion of Spain is in the romances. Rome was completely conquered; all the territory which the kings had won on the right bank of the Tiber was now lost[3]. Rome itself was surrendered to the Etruscan conqueror[4]; his sovereignty was fully acknowledged[5], the Romans gave up their arms, and recovered their city and territory on condition of renouncing the use of iron[6] except for implements of agriculture. But this bondage did not last long, the Etruscan power was broken by a great defeat sustained before Aricia; for after the fall of Rome the conquerors attacked Latium, and while besieging Aricia, the

[3] This is confessed in the poetical story: only it is added that Porsenna, out of admiration for the Romans, gave the conquered land back again to them after the war. But Niebuhr has well observed, that the Roman local tribes, which were thirty in number in the days of Ser. Tullius, appear reduced to twenty in the earliest mention of them after the expulsion of Tarquinius; and it appears from the account of the Veientian war of 271 that the Roman territory could not then have extended much beyond the hill Janiculum.

[4] Tacitus, Histor. III. 72. Sedem Jovis optimi maximi,—quam non Porsenna deditâ urbe, neque Galli captâ, temerare potuissent. What "Deditio" meant may be seen by the form preserved by Livy, I. 38.

[5] The senate, says Dionysius, V. 34, voted him an ivory throne, a sceptre, a golden crown, and triumphal robe. These very same honours had been voted, according to the same writer, to the Roman king Tarquinius Priscus by the Etruscans, as an acknowledgment of his supremacy. III. 62.

[6] Pliny, XXXIV. 14. In fœdere quod expulsis regibus populo Romano dedit Porsenna, nominatim comprehensum invenimus, ne ferro nisi in agriculturâ uterentur. Compare 1 Samuel xiii. 19, 20. These passages from Tacitus and Pliny were first noticed by Beaufort in his Essay on the Uncertainty of the Early Roman History.

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united force of the Latin cities, aided by the Greeks[7] of Cumæ, succeeded in destroying their army, and in confining their power to their own side of the Tiber. Still, however, the Romans did not recover their territory on the right bank of that river, and the number of their tribes, as has been already noticed, was consequently lessened by one-third, being reduced from thirty to twenty.

Relations of Rome with the Sabines.

Thus within a short time after the banishment of the last king, the Romans lost all their territory on the Etruscan side of the Tiber, and all their dominion over Latium. A third people were their immediate neighbours on the north-east, the Sabines. The cities of the Sabines reached, says Varro, from Reate, to the distance of half-a-day's journey from Rome, that is, according to the varying estimate of a day's journey[8], either seventy-five or an hundred stadia, about ten or twelve miles. But with the more distant Sabines of Reate, and the high valley of the Velinus, our history has yet no concern. The line of mountains which stretches from Tiber to the neighbourhood of Narnia was a natural division between those Sabines who lived within it, and those who had settled without it, in the lower country nearer Rome. These last were the Sabines of Cures[9], twenty-four miles from Rome, of Eretum,

[7] Dionysius, V. 36, et VII. 2—11.

[8] Herodotus reckons the day's journey in one place at two hundred stadia, IV. 801, and in another place at one hundred and fifty stadia, V. 53.

[9] Bunsen, "Antichi Stabilimenti Italici," in the "Annali dell' Instituto di Corrispondenza Archeologica," Vol. VI. p. 133.

five miles nearer to it, of Nomentum, about the same distance, of Collatia and Regillus, southward of the Anio, and in the midst of Latium: and at a more ancient period, these same Sabines possessed Crustumerium, Cænina, Antemnæ, and, as we have seen, two of the very hills which afterwards made up the city of Rome. But living so near to or even in the midst of the Latins, these more lowland Sabines had become in some degree Latinized, and some of their cities partook in the worship of Diana on the Aventine[10] together with the Romans and the Latins, during the reign of the last king of Rome. Perhaps they also were his dependent allies, and, like the Latins, renounced their alliance with Rome immediately after his expulsion. At any rate, we read of a renewal of wars between them and the Romans four years after the beginning of the Commonwealth, and it is said, that at this time Attus Clausus[11], a citizen of Regillus, as he strongly opposed the war, was banished by his countrymen, and went over to the Romans with so large a train of followers, that he was himself received immediately as a burgher, gave his name to a new tribe, which was formed out of those who went over with him, and obtained an assignment of lands beyond the Anio, between Fidenæ and Ficulea. But when we read of the lake Regillus as belonging to the territory of Tusculum[12], and when we also find Nomentum in-

[10] As appears from the story in Livy, I. 45.

[11] Livy, II. 16. Dionysius, V. 40.

[12] Livy, II. 19, "ad lacum Regillum in agro Tusculano."

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cluded amongst the thirty cities of the Latins, which concluded the great alliance with Rome, in the consulship of Spurius Cassius, we are inclined to suspect that the lowland Sabines about this time were forced to join themselves some with the Romans and some with the Latins, being pressed by both on different quarters, when the alliance between the three nations was broken up. Thus Collatia, Regillus, and Nomentum fell to the Latins; and then it may well have happened that the Claudii and Postumii, with their followers, may have preferred the Roman franchise to the Latin, and thus removed themselves to Rome; while if Niebuhr's conjecture be true, that the Crustuminian tribe as well as the Claudian was created at this time, we might suppose that Crustumeria, and other Sabine cities in its neighbourhood, whose very names have perished, united themselves rather with the Romans: certain it is that from this time forward we hear of no Sabine city nearer to Rome than Eretum, which as I have already said was nineteen miles distant from it. It is certain also that the first enlargement of the Roman territory, after its great diminution in the Etruscan war, took place towards the north-east, between the Tiber and the Anio; and here were the lands of the only new tribes that were added to the Roman nation, for the space of more than one hundred and twenty years[13] after the establishment of the Commonwealth.

[13] The number of tribes continued to be twenty-one till three years after the invasion of the Gauls: when four new ones were added. Livy, VI. 5.

Of the pretended returns of the census during this period.

The chronology of this period is confessed by Livy [14] to be one mass of confusion; it was neither agreed when the pretended battle at the lake Regillus was fought, nor when the first dictator was created; and accordingly Dionysius sets both events three years later than they are placed by Livy. But a far more surprising disorder is indicated by the returns of the census, if we may rely on them as authentic; for these make the number of Roman citizens between fifteen and sixty years of age to have been one hundred and thirty thousand [15], in the year following the expulsion of the Tarquinii; to have risen to one hundred and fifty thousand seven hundred [16] at the end of the next ten years, and again five years later to have sunk to one hundred and ten thousand [17]. It should be added that these same returns gave eighty-four thousand seven hundred, as the number of citizens, at the first census of Servius Tullius; and for this amount, Dionysius quotes expressly the tables of the census. Now Niebuhr rejects the census of Servius Tullius as unhistorical, but is disposed to admit the authenticity of the others. Yet surely if the censor's tables are to be believed in one case, they may be in the other; a genuine record of the census of Servius Tullius might just as well have been preserved as that of Sp. Lucretius and P. Valerius Poplicola. And it

[14] II. 21. Tanti errores implicant temporum, aliter apud alios ordinatis magistratibus, ut nec qui consules secundum quosdam, nec quid quoque anno actum sit, in tantâ vetustate non rerum modo sed etiam auctorum digerere possis.

[15] Dionysius, V. 20.

[16] Dionysius, V. 75.

[17] Dionysius, V. 96.

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is to be noted, that although Dionysius gives the return of the census taken by the dictator T. Lartius, as one hundred and fifty thousand seven hundred, yet he makes Appius Claudius, five years afterwards, give the number at one hundred and thirty thousand [18]; and then, although Appius quotes this number as applying to the actual state of things, yet the return of the census, at the end of that same year, gives only one hundred and ten thousand. I am inclined to suspect that the actual tables of the censors, before the invasion of the Gauls, perished in the destruction of the city; and that they were afterwards restored from the annalists, and from the records of different families, as was the case with the Fasti Capitolini. If this were so, different annalists might give different numbers, as they also give the names of consuls differently; and exaggeration might creep in here, as in the list of triumphs, and with much less difficulty. For although Niebuhr's opinion is no less probable than ingenious, that the returns of the census include the citizens of all those foreign states which enjoyed, reciprocally with Rome, each other's franchise, still the numbers in the period under review seem inconsistent, not only with the common arrangement of the events of these years, but with any probable arrangement that can be devised. For if the Latins and other foreigners are not included in the census of Poplicola, the number of one hundred and thirty thousand is incredibly

[18] Dionysius, V. 6.

large; if they are included, with what other states can we conceive the interchange of citizenship to have been contracted in the ten following years, so as to have added twenty thousand names to the return made at the end of that period? I am inclined, therefore, to think that the second pretended census of the Commonwealth, taken by the dictator T. Lartius, which gives an amount of one hundred and fifty thousand seven hundred citizens within the military age, is a mere exaggeration of the annalist or poet, whoever he was, who recorded the acts of the first dictator.

Progress of distress amongst the commons.

But the really important part of the history of the first years of the Commonwealth is the tracing, if possible, the gradual depression of the commons to that extreme point of misery which led to the institution of the tribuneship. We have seen that, immediately after the expulsion of the king, the commons shared in the advantages of the revolution; but within a few years we find them so oppressed and powerless, that their utmost hopes aspired, not to the assertion of political equality with the burghers, but merely to the obtaining protection from personal injuries.

Its particular character, that they became involved in debt.

The specific character of their degradation is stated to have been this; that there prevailed [19] among them severe distress, amounting in many cases to actual ruin; that to relieve themselves from their

[19] See the story of the old centurion, in Livy, II. 23.

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poverty, they were in the habit of borrowing money of the burghers; that, the distress continuing, they became generally insolvent; and that as the law of debtor and creditor was exceedingly severe, they became liable in their persons to the cruelty of the burghers, were treated by them as slaves, confined as such in their workhouses, kept to task-work, and often beaten at the discretion of their taskmasters.

In reading this statement, a multitude of questions suggest themselves. Explanations and discussions must occupy a large space in this part of our history, for when the poetical stories have been once given, there are no materials left for narrative or painting; and general views of the state of a people, where our means of information are so scanty, are little susceptible of liveliness, and require at every step to be defended and developed. The perfect character of history in all its freshness and fulness is incompatible with imperfect knowledge; no man can step boldly or gracefully while he is groping his way in the dark.

The causes which led to this state of debt.

The plundering invasions of the neighbouring nations.

A population of free landowners naturally engages the imagination; but such a state of society requires either an ample territory or an uninterrupted state of peace, if it be dependent on agriculture alone. The Roman territory might be marched through in a day; and after the overthrow of the powerful government of Tarquinius, which by the extent of its dominion kept war at a distance, the lands of the Roman commons were continually

wasted by the incursions of their neighbours, and were actually to a large extent torn away by the Etruscan conquest. The burghers suffered less, because their resources were greater: the public undivided land, which they alone enjoyed, was of a very different extent from the little lots assigned to each commoner, and besides, as being chiefly left in pasture, it suffered much less from the incursions of an enemy; a burgher's cattle might often be driven off in time to one of the neighbouring strongholds, while a commoner's corn and fruit-trees were totally destroyed. Again, if commerce were forbidden to a commoner, it certainly was not to a burgher; and those whose trade with Sicily, Sardinia, and Africa, was sufficiently important to be made the subject of a special treaty, were not, like the commoners, wholly dependent on a favourable season, or on escaping the plundering incursions of the neighbouring people. Thus it is easy to conceive how on the one hand the commoner would be driven to borrow, and on the other how the burgher would be able to lend.

The high rate of interest.

The next step is also plain. Interest was as yet wholly arbitrary; and where so many were anxious to borrow, it was sure to be high. Thus again the commons became constantly more and more involved and distressed, while the burghers engrossed more and more all the wealth of the community.

The severity of the law of debtor and creditor.

Such a state of things the law of the Israelites had endeavoured by every means to prevent or to mitigate. If a small proprietor found himself ruined

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by a succession of unfavourable seasons, or by an inroad of the Philistines or Midianites, and was obliged to borrow of his richer neighbour, the law absolutely forbade his creditor to take any interest at all. If he were obliged to pledge his person for payment, he was not to serve his creditor without hope, for at the end of seven years, at the farthest, he was restored to his freedom, and the whole of his debt cancelled. Or if he had pledged his land to his creditor, not only was the right secured to him and to his relations of redeeming it at any time, but even if not redeemed it was necessarily to return to him or to his heirs in the year of jubilee, that no Israelite might by any distress be degraded for ever from the rank of a freeman and a landowner. A far different fate awaited the plebeian landowner at Rome. When he found himself involved in a debt which he could not pay, his best resource was to sell himself to his creditor, on the condition that, unless the debt were previously discharged, the creditor, at the expiration of a stated term, should enter into possession of his purchase. This was called, in the language of the Roman law, the entering into a nexum[20], and the person who had thus conditionally sold himself was said to be "nexus." When the day came, the creditor claimed possession, and the magistrate awarded it; and the debtor, thus given over to

[20] For this explanation of the term "Nexus," see Niebuhr, Vol. I. p. 601, et seqq. Ed. 2.

his purchaser, addictus, passed with all that belonged to him into his power; and as the sons were considered their father's property, they also, unless previously emancipated, were included in the sale, and went into slavery together with their father. Or if a man, resolved not by his own act to sacrifice his own and his children's liberty, refused thus to sell himself, or, in the Roman language, to enter into a nexum, and determined to abide in his own person the consequences of his own debt, then he risked a fate still more fearful. If within thirty days after the justice of the claim had been allowed, he was unable to discharge it, his creditor might arrest him, and bring him before the court; if no one then offered to be his security, he was given over to his creditor, and kept by him in private custody, bound with a chain of fifteen pounds' weight, and fed with a pound of corn daily. If he still could not, or would not, come to any terms with his creditor, he was thus confined during sixty days, and during this period was brought before the court in the comitium, on three successive market-days, and the amount of his debt declared, in order to see whether any one would yet come forward in his behalf. On the third market-day, if no friend appeared, he was either to be put to death, or sold as a slave into a foreign land beyond the Tiber; that is, into Etruria, where there was as yet no interchange of franchise with Rome, amidst a people of a different language. Or if there were several creditors, they might actually

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hew his body in pieces, and whether a creditor cut off a greater or smaller piece than in proportion to his debt[21], he incurred no penalty.

Aulus Gellius, who wrote in the age of the Antonines, declares that he had never heard or read of a single instance in which this concluding provision had been acted upon. But who was there to record the particular cruelties of the Roman burghers in the third century of Rome? and when we are told generally that they enforced the law against their debtors with merciless severity, can we doubt that there were individual monsters, like the Shylock and Front de Bœuf of fiction, or the Earl of Cassilis of real history, who would gratify their malice against an obnoxious or obstinate debtor, even to the extremest letter of the law? It is more important to observe that this horrible law was continued in the twelve tables, for we cannot suppose it to have been introduced there for the first time; that is to say, that it made a part of a code sanctioned by the commons, when they were triumphant

[21] See the Extracts from the law of the XII. tables in A. Gellius, XX. 1, § 45, et seqq. Some modern writers have imagined that the words "partes secanto," were to be understood of a division of the debtor's property, and not of his person. But Niebuhr well observes, that the following provision alone refutes such a notion; a provision giving to the creditor that very security in the infliction of his cruelty which Shylock had in his bond omitted to insert, "Si plus minusve secuerunt, se fraude esto" ("se" is the old form for "sine"). Besides, the last penalty, reserved for him who continued obstinate, was likely to be atrocious in its severity. What do we think of the "peine forte et dure" denounced by the English law against a prisoner who refused to plead? a penalty not repealed till the middle of the last century, and quite as cruel as that of the law of the XII. tables, and not less unjust.

over their adversaries. This shows, that the extremest cruelty against an insolvent debtor was not repugnant, in all cases, to the general feeling of the commons themselves, and confirms the remark of Gellius, that the Romans had the greatest abhorrence of breach of faith, or a failure in performing engagements, whether in private matters, or in public. It explains also the long patience of the commons under their distress, and, when at last it became too grievous to endure, their extraordinary moderation in remedying it. Severity against a careless or fraudulent debtor seemed to them perfectly just; they only desired protection in cases of unavoidable misfortune or wanton cruelty, and this object appeared to be fulfilled by the institution of the tribuneship, for the tribune's power of protection enabled him to interpose in defence of the unfortunate, while he suffered the law to take its course against the obstinate and the dishonest.

The distress of the commons led to their weakness politically.

Such a state of things, however, naturally accounts for the political degradation of the commons, and the neglect of the constitution of Servius Tullius. The Etruscan conquest had deprived the Romans of their arms: how amidst such general distress could the commons again provide themselves with the full arms of the phalanx; or how could they afford leisure for that frequent training and practice in warlike exercises, which were essential to the efficiency of the heavy-armed infantry? It may be going too far to say that the tactic of the phalanx was never in use after the establishment of the

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Commonwealth; but it clearly never existed in any perfection. It is quite manifest, that if the heavy-armed infantry had constituted the chief force of the nation, and if that infantry, according to the constitution of Servius Tullius, had consisted exclusively of the commons, the commons and not the burghers would soon have been the masters of Rome; the comitia of the centuries would have drawn all power to itself, the comitia of curiæ would have been abolished as incompatible with the sovereignty of the true Roman people. The comitia of the tribes would have been wholly superfluous, for where could the commons have had greater weight than in an assembly where they formed exclusively every century except six? whereas the very contrary to all this actually happened; the commons remained for more than a century excluded from the government; the curiæ retained all their power; the comitia of tribes were earnestly desired by the commons as the only assembly in which they were predominant; and when, after many years, we can trace any details of the comitia of centuries, we find them in great measure assimilated to those of the tribes, and the peculiarity of their original constitution almost vanished.

Influence exercised by the burghers through their clients, on the comitia of centuries.

But the comitia of centuries were not an assembly in which the commons were all-powerful. We are expressly told[22] that the burghers' clients voted in these centuries; and these were probably become a

[22] Livy, II. 64. Irata plebs interesse consularibus comitiis noluit. Per patres, clientesque patrum consules creati.

more wealthy and a more numerous body, in proportion as the commons became more and more distressed and miserable. If a third part of the commons had lost their lands by the event of the Etruscan war, if a large proportion of the rest were so involved in debts that their property was scarcely more than nominally their own, we may feel quite sure that there would be many who would voluntarily become clients, in order to escape from their actual misery. What they lost indeed by so doing, was but little in comparison of what they gained; they gave up their order, they ceased to belong to a tribe, and became personally dependent on their patron; but on the other hand, they might follow any retail trade or manufacture; they retained their votes in the comitia of centuries, and were saved by the protection of their patron from all the sufferings which were the lot of the insolvent commoner. For as the patron owed his client protection, he was accounted infamous if he allowed him to be reduced to beggary; and thus we read of patrons granting lands to their clients, which although held by them only at will, were yet under present circumstances a far more enviable possession than the freeholds of the commons. And whilst the clients had thus become more numerous, so they would also, from the same causes, become more wealthy, and a greater number of them would thus be enrolled in the higher classes, whilst the commons on the other hand were continually sinking to the lower.

Yet amidst the general distress of the commons,

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Separation of the richer commons from the mass of their order.

we meet with an extraordinary statement in one of the speeches[23] in Dionysius, that more than four hundred persons had been raised in one year from the infantry to the cavalry service, on account of their wealth. This, strange as it seems at first, is probable and full of instruction. When money bore so high a rate of interest, capital was sure to increase itself rapidly, and in a time of distress, whilst many become poorer, there are always some also who from that very circumstance become richer. The rich commons were thus likely to increase their fortunes, whilst the poorer members of their order were losing every thing. It was then the interest of the burghers to separate these from the mass of the commons, and to place them in a class which already seems to have acquired its character of a moneyed and commercial interest; a class which resigned the troubles and the honours of political contests for the pursuit and safe enjoyment of riches. Further, the removal of the richest commoners from the infantry service rendered the organization of the phalanx more and more impracticable, and thus preserved to the burghers, whether serving as cavalry or heavy-armed infantry, their old superiority; for that the burghers in these times did sometimes serve on foot[24], although generally they fought on horseback, is proved not only by the story of L. Tarquitius,

[23] That of M. Valerius on resigning his dictatorship in the year 260. See Dionysius, VI. 43—45.

[24] Instances of battles won by the cavalry when they had left their horses and fought on foot, are given by Dionysius, VI. 33, and VIII. 67, and by Livy, II. 65, III. 62, IV. 38.

whose poverty it is said had forced him to do so, but by the legend of the valiant deeds of Caius Marcius, and of the three hundred Fabii who established themselves on the Cremera. It is probable that, when occasion required it, they were the principes in rich armour who fought in the van of the infantry, although in ordinary circumstances they fought on horseback; and as the infantry of the neighbouring nations was not better organized than their own, the horsemen in these early times are constantly described as deciding the issue of a battle.

The government becomes an exclusive aristocracy.

Thus the monarchy was exchanged for an exclusive aristocracy, in which the burghers or patricians possessed the whole dominion of the state. For mixed as was the influence in the assembly of the centuries, and although the burghers through their clients exercised no small control over it, still they did not think it safe to entrust it with much power. In the election of consuls, the centuries could only choose out of a number of patrician or burgher candidates; and even after this election it remained for the burghers in their great council in the curiæ to ratify it or to annul it, by conferring upon, or refusing to the persons so elected "the Imperium," in other words, that sovereign power which belonged to the consuls as the successors of the kings, and which, except so far as it was limited within the walls of the city, and a circle of one mile without them, by the right of appeal, was absolute over life and death. As for any legislative power, in this period of the

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Commonwealth, the consuls were their own law. No doubt the burghers had their customs, which in all great points the consuls would duly observe, because otherwise on the expiration of their office they would be liable to arraignment before the curiæ, and to such punishment as that sovereign assembly might please to inflict; but the commons had no such security, and the uncertainty of the consuls' judgments was the particular grievance which afterwards led to the formation of the code of the twelve tables.

A.U.C. 253. A.C. 499. Institution of the dictatorship.

We are told however that within ten years of the first institution of the consuls, the burghers found it necessary to create a single magistrate with powers still more absolute, who was to exercise the full sovereignty of a king, and even without that single check to which the kings of Rome had been subjected. The Master of the people[25], that is, of the burghers, or, as he was otherwise called, the Dictator, was appointed, it is true, for six months only; and therefore liable, like the consuls, to be arraigned, after the expiration of his office, for any acts of tyranny which he might have committed during its continuance. But whilst he retained his office he was as absolute within the walls of the city, as the consuls were without them; neither commoners nor burghers had any right to appeal from his sentence, although the latter had enjoyed this protection in the times of the Monarchy. This last circumstance seems to prove

[25] "Magister populi." See Varro de Ling. Lat. V. 82. Ed. Müller, et Festus in "optima lex."

that the original appointment of the dictator was a measure of precaution against a party amongst the burghers themselves, rather than against the commons; and gives a probability to that tradition[26] which Livy slighted, namely, that the consuls, who were for the first time superseded by "the Master of the burghers," were inclined to favour the return of the exiled king. It is not likely that they were the only Romans so disposed: and if a strong minority amongst the burghers themselves, and probably a large portion of the commons, were known to favour the restoration of the old government, it is very intelligible that the majority of the burghers should have resolved to strengthen the actual government, and to appoint an officer who might summarily punish all conspirators of whatever rank, whether belonging to the commons or to the burghers.

If the consuls were superseded by the dictator because they could not be relied upon, we may be quite sure that the appointment was not left to their free choice[27]. One of the consuls received the name of the person to be declared dictator from the senate; he then declared him dictator, and he was confirmed and received the imperium by a vote of the great council of the curiæ. The dictator must previously have held the highest magistracy in the state[28], that is, he must have been prætor, the old title of the

[26] Ex factione Tarquinia essent (consules), id quoque enim traditur, parum creditum sit. Livy, II. 81.

[27] See on this point Niebuhr, Vol. I. p. 591, et seqq.

[28] "Consulares legêre." Livy, II. 18. This in the language of the time would have been "prætorios legêre."

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consuls. Thus afterwards, when the powers of the original prætors were divided between the consuls and prætors of the later constitution, any man who had been prætor was eligible to the dictatorship, no less than one who had been consul.

The Master of the knights or horsemen.

Together with the Master of the burghers, or dictator, there was always appointed the Master of the knights or horsemen. In later times this officer was always named by the dictator himself, but at first it seems as if both alike were chosen by the senate. The Master of the knights was subject, like every other citizen, to the Master of the burghers; but his own authority was equally absolute within his own jurisdiction, that is, over the knights and the rest of the commons. Lydus expressly says that from his sentence there was no appeal; Varro says that his power was supreme[29] over the knights and over the accensi; but who are meant by this last term it is difficult to determine.

Secession of the commons to the Sacred Hill, and first appointment of the tribunes.

Fifteen years after the expulsion of Tarquinius, the commons, driven to despair by their distress, and exposed without protection to the capricious cruelty of the burghers, resolved to endure their degraded state no longer. The particulars of this second revolution are as uncertain as those of the overthrow of the Monarchy; but thus much is certain, and is remarkable, that the commons sought safety, not victory; they desired to escape from Rome, not to govern it. It may be true that the commons who

[29] "Magister equitum, quod summa potestas hujus in equites et accensos." Varro, de L. L., V. 82. Ed. Müller.

were left in Rome gathered together [30] on the Aventine, the quarter appropriated to their order, and occupied the hill as a fortress; but it is universally agreed that the most efficient part of their body, who were at that time in the field as soldiers, deserted their generals, and marched off to a hill [31] beyond the Anio; that is, to a spot beyond the limits of the Ager Romanus, the proper territory of the burghers, but within the district which had been assigned to one of the newly-created tribes of the commons, the Crustuminian [32]. Here they established themselves, and here they proposed to found a new city of their own, to which they would have gathered their families, and the rest of their order who were left behind in Rome, and have given up their old city to its original possessors, the burghers, and their clients.

But the burghers were as unwilling to lose the services of the commons, as the Egyptians in the like case to let the Israelites go, and they endeavoured by every means to persuade them to return. To show how little the commons thought of gaining political power, we have only to notice their demands. They required [33] a general cancelling of the obligations of insolvent debtors, and the release of all those whose persons, in default of payment, had been assigned over to the power of their creditors: and further they

[30] "Piso auctor est in Aventinum secessionem factam." Livy, II. 32. So also Cicero, de Republica, II. 33, and Sallust, Fragm. Histor. I. 2.

[31] "Trans Anienem amnem est." Livy, II. 32.

[32] Hence Varro calls it "secessio Crustumerina," de L. L., V. 81. Ed. Müller.

[33] Dionysius, VI. 83—89.

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insisted on having two[34] of their own body acknowledged by the burghers as their protectors; and to make this protection effectual, the persons of those who afforded it were to be as inviolable as those of the heralds, the sacred messengers of the gods; whosoever harmed them was to be held accursed, and might be slain by any one with impunity. To these terms the burghers agreed; a solemn treaty was concluded between them and the commons, as between two distinct nations; and the burghers swore for themselves, and for their posterity, that they would hold inviolable the persons of two officers, to be chosen by the centuries on the field of Mars, whose business it should be to extend full protection to any commoner against a sentence of the consul; that is to say, who might rescue any debtor from the power of his creditor, if they conceived it to be capriciously

[34] "Two" is the number given by Piso, (Livy, II. 58,) and by Cicero, Fragm. pro Cornelio, 23. Ed. Nobb., et de Republicâ, II. 34. "Two," according to Livy and Dionysius, were originally created, and then three more were added to the number immediately. According to Piso, there were only two for the first twenty-three years, and by the Publilian law they became five. Fourteen years after this, in 297, the number, according to Livy and Dionysius, was raised to ten. (Livy, III. 30. Dionys. X. 30.) But Cicero, in his speech for the tribune Cornelius, says that ten were chosen in the very next year after the first institution of the office, and chosen by the comitia curiata. So great are the varieties in the traditions of these times. Possibly, however, the number really was altered backwards and forwards; and it may have been raised to ten in the year 261, when Sp. Cassius was consul, and afterwards reduced to its original number, when his popular measures were repealed or set aside by the opposite party. With regard to the curiæ, I agree with Niebuhr, that their share in the appointment of the tribunes must have been rather a confirmation or rejection of the choice of the centuries, than an original election. This the curiæ would claim at every election made by the centuries; and it was the object of the Publilian law to get rid of this claim, amongst other advantages, by transferring the appointment to the comitia of the tribes.

or cruelly exerted. The two officers thus chosen retained the name which the chief officers of the commons had borne before, they were called Tribuni, or tribe masters; but instead of being merely the officers of one particular tribe, and exercising an authority only over the members of their own order, they were named tribunes of the commons at large, and their power, as protectors in stopping any exercise of oppression towards their own body, extended over the burghers, and was by them solemnly acknowledged. The number of the tribunes was probably suggested by that of the consuls[35]; there were to be two chief officers of the commons as there were of the burghers.

When these conditions had been formally agreed to, the commons returned to Rome. The spot on which this great deliverance had been achieved became to the Romans what Runnymede is to Englishmen: the top of the hill[36] was left for ever unenclosed, and consecrated, and an altar was built on it, and sacrifices offered to Jupiter, who strikes men with terror and again delivers them from their fear; because the commons had fled thither in fear and were now returning in safety. So the hill was known for ever by the name of the Sacred Hill.

Thus the dissolution of the Roman nation was prevented; the commons had gained protection;

[35] Or, as Niebuhr supposes, by the number of tribes, at this time reduced to twenty-one, so that each decury of tribes should have one tribune of its own. But the odd number, twenty-one, may seem to make against this supposition.

[36] Dionysius, VI. 90.

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their rights as an order were again and more fully recognized; their oppressions were abated; better times came to relieve their distress; and they became gradually more and more fitted for a higher condition, to become citizens and burghers of Rome in the fullest sense, sharing equally with the old burghers in all the benefits and honours of their common country.

CHAPTER IX.

SPURIUS CASSIUS—THE LEAGUE WITH THE LATINS AND HERNICANS—THE AGRARIAN LAW—A.U.C. 261-269.

"The noble Brutus
Hath told you, Cæsar was ambitious.
If it were so, it was a grievous fault,
And grievously hath Cæsar answered it."

Οἱ προστάται τοῦ δήμου, ὅτε πολεμικοὶ γένοιντο, τυραννίδι ἐπετίθεντο· πάντες δὲ τοῦτο ἔδρων ὑπὸ τοῦ δήμου πιστευθέντες, ἡ δὲ πίστις ἦν ἡ ἀπέχθεια ἡ πρὸς τοὺς πλουσίους.—ARISTOT. Politic. V. 5.

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BRUTUS and Poplicola were no doubt real characters, yet fiction has been so busy with their actions, that history cannot venture to admit them within her own proper domain. By a strange compensation of fortune, the first Roman whose greatness is really historical is the man whose deeds no poet sang, and whose memory the early annalists, repeating the language of the party who destroyed him, have branded with the charge of treason and attempted tyranny. This was Spurius Cassius. Amidst the silence and the calumnies of his enemies, he is known as the author of three works to which Rome owed all her future greatness; he concluded the league with the Latins in his second consulship, in his third he

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concluded the league with the Hernicans, and procured, although with the price of his own life, the enactment of the first agrarian law.

League with the Latins.

I. We know that the Latins were in the first year of the Commonwealth subject to Rome. We know that almost immediately afterwards they must have become independent; and it is probable that they may have aided the Tarquinii in some of their attempts to effect their restoration. But the real details of this period cannot be discovered: this only is certain, that in the year of Rome 261, the Latin confederacy, consisting of the old national number of thirty cities, concluded a league with Rome on terms of perfect equality; and the record of this treaty, which existed at Rome on a brazen pillar[1] down to the time of Cicero, contained the name of Spurius Cassius, as the consul who concluded it, and took the oaths to the Latin deputies on behalf of the Romans. It may be that the Roman burghers desired to obtain the aid of the Latins against their own commons, and that the fear of this union led the commons at the Sacred Hill to be content with the smallest possible concessions from their adversaries; but there was another cause for the alliance, no less natural, in the common danger which threatened both Rome and Latium from the growing power of their neighbours on the south, the Oscan, or Ausonian, nations of the Æquians and the Volscians.

[1] Cicero pro Balbo, 23 Livy, II. 33.

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A.U.C. 261.

The thirty states of Latium. Conditions of the league.

The thirty cities which at this time formed the Latin state, and concluded the league with Rome, were these[2]: Ardea, Aricia, Bovillæ, Bubentum, Corniculum, Carventum, Circeii, Corioli, Corbio, Cora, Fortuna or Foretii, Gabii, Laurentum, Lanuvium, Lavinium, Lavici, Nomentum, Norba, Præneste, Pedum, Querquetulum, Satricum, Scaptia, Setia, Tellena, Tibur, Tusculum, Toleria, Tricrinum, Velitræ. The situation of several of these places is unknown; still the list clearly shows to how short a distance from the Tiber the Roman territory at this time extended, and how little was retained of the great dominion enjoyed by the last kings of Rome. Between this Latin confederacy and the Romans there was concluded a perpetual league[3]: "There shall be peace between them so long as the heaven shall keep its place above the earth, and the earth its place below the heaven; they shall neither bring nor cause to be brought any war against each other, nor give to each other's enemies a passage through their land; they shall aid each other when attacked with all their might, and all spoils and plunder won by their joint arms shall be shared equally between them. Private causes shall be decided within ten days, in the courts of that city where the business which gave occasion to the dispute may have taken place." Further it was agreed, that the command

[2] Dionysius, V. 61. I have followed the readings of the Vatican MS. given in the various readings in Reiske's Edition, with Niebuhr's corrections, Vol. II. p. 19. 2nd Ed.

[3] Dionysius, VI. 95.

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of the Roman and Latin armies, on their joint expeditions, should one year[4] be given to the Roman general, and another to the Latin: and to this league nothing was to be added, and nothing taken away, without the mutual consent of the Romans and the confederate cities of the Latins.

A.U.C. 268. League with the Hernicans.

II. Seven years afterwards, the same Spurius Cassius, in his third consulship[5], concluded a similar league with the cities of the Hernicans. The Hernicans were a Sabine, not a Latin people, and their

[4] Cincius de Consulum Potestate, quoted by Festus in "Prætor ad Portam." The whole passage is remarkable. "Cincius ait, Albanos rerum potitos usque ad Tullum regem: Albâ deinde dirutâ usque ad P. Decium Murem cos. populos Latinos ad caput Ferentinæ, quod est sub Monte Albano, consulere solitos, et imperium communi consilio administrare. Itaque quo anno Romanos imperatores ad exercitum mittere oporteret jussu nominis Latini, complures nostros in Capitolio a sole oriente auspiciis operam dare solitos. Ubi aves addixissent, militem illum qui a communi Latio missus esset, illum quem aves addixerant prætorem salutare solitum, qui eam provinciam obtineret prætoris nomine." Cincius lived in the time of the second Punic war, and his works on various points of Roman law and antiquities were of high value. His statement, which bears on the face of it a character of authenticity, is quite in agreement with what Dionysius reports of the treaty itself, and only gives an additional proof of the systematic falsehood of the Roman annals in their accounts of the relations of Rome with foreigners. It is true that the words of Cincius, "quo anno," do not expressly assert that the command was held by a Roman every other year; and it may be that after the Hernicans joined the alliance, the Romans had the command only once in three years. But as the Latin states were considered as forming one people, and the Romans another, it is most likely that so long as the alliance subsisted between these two parties only, the command shifted from the one to the other year by year.

[5] Dionysius, VIII. 69. Τὰς πρὸς Ἕρνικας ἐξήνεγκεν ὁμολογίας· αὗται δ' ἦσαν ἀντίγραφοι τῶν πρὸς Λατίνους γενομένων. Amongst other clauses therefore of the treaty was one which secured to the Hernicans their equal share of all lands conquered by the confederates; namely one third part. This is disfigured by the annalist, whom Livy copied in a most extraordinary manner; he represented the Hernicans as being deprived by the treaty of two-thirds of their own land. "Cum Hernicis fœdus ictum, agri partes duæ ademtæ." Livy, II. 41.

country lay chiefly in that high valley which breaks the line of the Apennines at Præneste, and running towards the south-east, falls at last into the valley of the Liris. The number of their cities was probably sixteen; but with the exception of Anagnia, Verulæ, Alatrium, and Ferentinum, the names of all are unknown to us. They, like the Latins, had been the dependent allies of Rome under the last Tarquinius; they too had broken off this connexion after the establishment of the Commonwealth, and now renewed it on more equal terms for mutual protection against the Æquians and Volscians. The situation of their country indeed rendered their condition one of peculiar danger; it lay interposed in the very midst of the country of these enemies, having the Æquians on the north, and the Volscians on the south, and communicating with the Latin cities and with Rome only by the opening in the Apennines already noticed under the citadel of Præneste. On the other hand, the Romans were glad to obtain the willing aid of a brave and numerous people, whose position enabled them to threaten the rear of the Volscians, so soon as they should break out from their mountains upon the plain of Latium or the hills of Alba.

Importance of these two treaties.

Thus by these two treaties with the Latins and Hernicans, Spurius Cassius had, so far as was possible, repaired the losses occasioned to the Roman power by the expulsion of Tarquinius, and had reorganized that confederacy to which under her last kings Rome had been indebted for her greatness.

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The wound was healed at the very critical moment, before the storm of the great Volscian invasions burst upon Latium. It happened of necessity that the Latins, from their position, bore the first brunt of these attacks; Rome could only be reached when they were conquered: whereas, had it not been for the treaty concluded by Spurius Cassius, the Volscians, on their first appearance in Latium, might have been joined by the Latins; or the surviving cities of the confederacy, after the conquest of some of their number, might have taken refuge under the protection of the conquerors.

Sp. Cassius proposes an agrarian law.

But in restoring the league with the Latins and Hernicans, Spurius Cassius had only adopted a part of the system of the Roman kings. Another, and a far more difficult part, yet remained; to strengthen the state within; to increase the number of those who, as citizens, claimed their share of the public land, and out of this public land to relieve the poverty of those who united the two inconsistent characters of citizenship and beggary. Spurius Cassius proposed, what tradition ascribed to almost every one of the kings as amongst his noblest acts, an agrarian law. But he was not a king; and it is but too often a thankless act in the eyes of an aristocracy, when one of their own members endeavours to benefit and to raise the condition of those who are not of his own order.

The true character of the agrarian laws was first explained by Niebuhr.

If, amongst Niebuhr's countless services to Roman history, any single one may claim our gratitude beyond the rest, it is his explanation of the true nature and character of the agrarian laws. Twenty-four

years have not yet elapsed since he first published it, but it has already overthrown the deeply-rooted false impressions which prevailed universally on the subject; and its truth, like Newton's discoveries in natural science, is not now to be proved, but to be taken as the very corner-stone of all our researches into the internal state of the Roman people. I am now to copy so much of it as may be necessary to the right understanding of the views and merits of Spurius Cassius.

Of the public or demesne land in the ancient commonwealths, and its occupation.

It seems to have been a notion generally entertained in the ancient world, that every citizen of a country should be a landholder, and that the territory of a state, so far as it was not left unenclosed or reserved for public purposes, should be divided in equal portions amongst the citizens. But it would almost always happen that a large part of it was left unenclosed; the complete cultivation of a whole country, without distinction of soil, being only the result of an excess of population, and therefore not taking place till a late period. The part thus left out of cultivation was mostly kept as pasture, and a revenue was raised from it, not only from every citizen who had turned out sheep or cattle upon it, but also from strangers, who, although incapable of buying land, might yet rent a right of pasture for their flocks and herds. But when a new territory was gained in war, the richer parts of it already in cultivation were too valuable to be given up to pasture, while, on the other hand, if they were divided, the division could only follow the general rule, and

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allot an equal portion to every citizen. In these circumstances it was the practice at Rome, and doubtless in other states of Italy, to allow individuals to occupy such lands, and to enjoy all the benefits of them, on condition of paying to the state the tithe of the produce as an acknowledgment that the state was the proprietor of the land, and the individual merely the occupier. With regard to the state, the occupier was merely a tenant at will; but with respect to other citizens, he was like the owner of the soil, and could alienate the land which he occupied either for a term of years, or for ever, as much as if he had been its actual proprietor.

Portions of it were granted to new citizens.

This public land thus occupied was naturally looked to as a resource on every admission of new citizens. They were to receive their portion of freehold land, according to the general notion of a citizen's condition; but this land could only be found by a division of that which belonged to the public, and by the consequent ejectment of its tenants at will. Hence in the Greek states, every large accession to the number of citizens[6] was followed by a call for a division of the public land; and as this division involved the sacrifice of many existing interests, it was regarded with horror by the old citizens[7] as an act of revolutionary violence. For

[6] Λεοντῖνοι — πολίτας τε ἐπεγράψαντο πολλοὺς, καὶ ὁ δῆμος τὴν γῆν ἐπενόει ἀναδάσασθαι. Thucyd. V. 4. So again when the Cyrenæans in Africa wished to increase the number of their citizens, they invited over any Greek that chose to come, holding out the temptation of an allotment of land. Herodotus, IV. 159.

[7] Hence it was a clause of the oath taken by every member of the court of Heliæa at Athens, that he would allow no division

although the land was undoubtedly the property of the state, and although the occupiers of it were in relation to the state mere tenants at will, yet it is in human nature that a long undisturbed possession should give a feeling of ownership, the more so, as while the state's claim lay dormant, the possessor was in fact the proprietor; and the land would thus be repeatedly passing by regular sale from one occupier to another. And if there was no near prospect of the state's claiming its right, it is manifest that the price of land thus occupied would, after some years of undisturbed possession, be nearly equal to that of an actual freehold.

The occupiers of the public land could always be ejected at the pleasure of the state.

Under such circumstances the English law, with its characteristic partiality to individual and existing interests, would no doubt have decided, as it did in the somewhat similar case of copyholds, that the occupier could not be ejected so long as he continued to pay his tithe to the state. The Roman law, on the other hand, in a spirit no less characteristic, constantly asserted the utterly precarious tenure of the occupier [8], whenever the state might choose to take

of the land of the Athenians (Demosthen. Timocrat. p. 746); by which it was not meant that there was any dream of a division of the private property of Athenian citizens, but of the public land of the Commonwealth, which being beneficially enjoyed by the existing citizens, could not without loss to them be allotted out to furnish freehold properties, κλῆροι, for any citizens newly admitted to the franchise.

[8] I have used the words "occupation" and "occupier," rather than "possession" and "possessor," to express the Latin terms "possessio" and "possessor," because the English word "possession" is often used to denote what is a man's own property, whereas it was an essential part of the definition of "possessio," that it could relate only to what was *not* a man's own property. Hence the clause in the Licinian law, "Ne

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its property into its own hands. And accordingly, most of the kings of Rome are said to have carried an agrarian law, that is, to have divided a portion, more or less, of the public land amongst those whom they admitted to the rights of citizenship. Yet it was understood that these new citizens, the Roman commons, although they received their portion of land as freehold, whenever the public land was divided, had still no right to occupy it[9] while it lay in the mass unallotted; while the old burghers, who enjoyed exclusively the right of occupation with regard to the undivided public land, had no share in it whatever when it was divided, because they already enjoyed from ancient allotment a freehold property of their own. Thus the public land was wholly unprofitable to the commons, so long as

quis plus quingenta jugera agri possideret," was understood by every Roman without the addition of the word "publici" to "agri," because the word "possidere" could not in a legal sense apply to private property, although there is no doubt that in common language it is often found in that signification.

[9] This was because the plebs was not yet considered to be a part of the populus; δῆμος and πόλις were still carefully distinguished, and the state, or people, or burghers, claimed the exclusive administration of what may be called the corporate property of the state. Those who are acquainted with the affairs of the colleges of the English universities will recollect the somewhat similar practice there with regard to fines. Whatever benefits arise out of the *administration* of the college property belong exclusively to the ruling part of the society; the fellows engross the fines to themselves, just as the burghers at Rome enjoyed the exclusive right of occupying the public land. But the rents of college lands are divided in certain fixed proportions amongst the fellows and scholars, the populus and plebs of the society. And a law which should prohibit the practice of taking a fine on the renewal of a lease of college property, and should order the land to be let at its full value, in order to secure to the scholars their due share in all the benefits arising out of the college property, would give no bad idea of the nature and objects of an agrarian law at Rome.

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it was undivided, and became wholly lost to the burghers whenever it was divided.

An agrarian law was greatly needed at this period of Roman history.

Now twenty-four years after the expulsion of Tarquinius, there must have been at least as great need of an agrarian law as at any former period of the Roman history. The loss of territory on the right bank of the Tiber, and all those causes which had brought on the general distress of the commons, and overwhelmed them hopelessly in debts, called aloud for a remedy; and this remedy was to be found, according to precedent no less than abstract justice, in an allotment of the public land. For as the burghers who occupied this land had even grown rich amidst the distress of the commons, so they could well afford to make some sacrifice; while the reservation to them of the exclusive right of occupying the public land till it was divided, held out to them the hope of acquiring fresh possessions, so soon as the nation, united and invigorated by the proposed relief, should be in a condition to make new conquests.

Spurius Cassius proposes his law, which is violently opposed by the burghers.

Spurius Cassius accordingly proposed an agrarian law[10] for the division of a certain proportion of the public land, while from the occupiers of the remainder he intended to require the regular payment of the tithe, which had been greatly neglected, and to apply the revenue thus gained, to paying the

[10] I have here followed Niebuhr (Vol. II. p. 188, 2nd Ed.) in assuming as the original proposal of Cassius, what is represented in Dionysius as the proposal of A. Sempronius Atratinus, to which the senate assented. Dionysius, VIII. 75, 76.

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commons whenever they were called out to serve as soldiers. Had he been king, he could have carried the measure without difficulty, and would have gone down to posterity invested with the same glory which rendered sacred the memory of the good king Servius. But his colleague, Proculus Virginius[11], headed the aristocracy in resisting his law, and in maligning the motives of its author. His treaties with the Latins and Hernicans were represented as derogating from the old supremacy of Rome; and this cry roused the national pride even of the commons against him, as, four centuries afterwards, a similar charge of sacrificing the rights of Rome to the Italian allies ruined the popularity of M. Drusus. Still it is probable that the popular feeling in favour of his law was so strong, that the burghers yielded to the storm for the moment, and consented to pass it[12]. They followed the constant policy of an aristocracy, to separate the people from their leaders, to

[11] Livy, II. 41. This was the great quarrel between the nobles and the commons in Castile. The commons complained that the crown domains had been so granted away to the nobles, that now, as the nobles were exempt from taxation, the commons were obliged to defray all the expenses of the public service at their own private cost. And it was the commons' insisting that the nobles should give up the domains as being strictly public property, which determined the nobles to take part with the crown, in the famous war of the commons in the reign of Charles V. See Ranke, Fursten und Völker von Süd-Europa. Vol. 1. p. 218.

[12] See Niebuhr, Vol. II. p. 196. He argues, that as the tribunes before the Publilian laws had no power of originating any legislative measure, and as we hear of their agitating the question of the agrarian law year after year from the death of Cassius, the fact must have been that the law was passed, and its execution fraudulently evaded: and that the tribunes demanded no more than the due execution of an existing law. And he supposes that the words of Dionysius, τοῦτο τὸ δόγμα εἰς τὸν δῆμον εἰσενεχθὲν, τόν

pacify the former by a momentary resignation of the point in dispute, and then to watch their time for destroying the latter, that so, when the popular party is deprived of its defenders, they may wrest from its hands that concession which it is then unable to retain.

Spurius Cassius is impeached before the burghers, condemned, and executed.

When therefore the year was over, and Spurius Cassius was no longer consul, the burghers knew that their hour of vengeance had arrived. Ser. Cornelius and Quintus Fabius[13] were the new consuls: Kæso Fabius, the consul's brother, and Lucius Valerius were the inquisitors of blood, quæstores parricidii, who, as they tried all capital offences subject to an appeal to the burghers or commons, were also empowered to bring any offender at once before those supreme tribunals, instead of taking cognizance of his case themselves. Cassius was charged with a treasonable attempt to make himself king, and the burghers, assembled in their curiæ, found him

τε Κάσσιον ἔπαυσε τῆς δημαγωγίας καὶ τὴν ἀναῤῥιπιζομένην ἐκ τῶν πενήτων στάσιν οὐκ εἴασε περαιτέρω προελθεῖν, VIII. 76, are taken from some Roman annalist, who by the words "ad populum latum" meant the old populus, the assembly of the burghers in their curiæ. At any rate, the words εἰς τὸν δῆμον εἰσενεχθὲν seem to imply more than the mere communicating to the people the knowledge of a decree of the senate. They must apparently signify that the decree of the senate, as a προβούλευμα, was submitted to the people for its acceptance and ratification; and this "*people*" must have been the burghers in their curiæ, and by its being stated that the bringing the measure before the people put an end to the agitation, it must surely be conceived that the measure was not rejected but passed. For the words ἐσφέρειν εἰς τὸν δῆμον as signifying "to submit a measure to the people for their confirmation of it," it can hardly be necessary to quote instances, τοὺς ξυγγραφέας—ξυγγράψαντας γνώμην ἐσενεγκεῖν ἐς τὸν δῆμον. Thucyd. VIII. 67.

[13] Livy, II. 41.

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guilty. He shared the fate of Agis and of Marino Falieri; he was sentenced to die as a traitor, and was, according to the usage of the Roman law, scourged and beheaded, and his house razed to the ground.

CHAPTER X.

ASCENDANCY OF THE ARISTOCRACY—THE FABII AND THEIR SEVEN CONSULSHIPS—THE PUBLILIAN LAW. —A.U.C. 269-283.

Ἡσυχίαν εἶχεν ὁ δῆμος καὶ κατάπληξιν τοιαύτην ὥστε κέρδος ὁ μὴ πάσχων τι βίαιον, εἰ καὶ σιγῴη, ἐνόμιζε.—THUCYD. VIII. 66.

"Les abus récens avaient bravé la force et dépassé la prévoyance des anciennes lois : il fallait des garanties nouvelles, explicites, revêtues de la sanction du parlement tout entier. C'était ne rien faire que de renouveler vaguement des promesses tant de fois violées, des statuts si long-temps oubliés."—GUIZOT, Révolution d'Angleterre, Livre I. p. 45.

The burghers claim the exclusive appointment of the consuls.

THE release of all existing debts by the covenant concluded at the Sacred Hill, and the appointment of the tribunes to prevent any tyrannical enforcement of the law of debtor and creditor for the time to come, had relieved the Roman commons from the extreme of personal degradation and misery. But their political condition had made no perceptible advances; their election of their own tribunes was subject to the approval of the burghers; and their choice of consuls, subject also to the same approval, was further limited to such candidates as belonged to the burghers' order. Even this, however, did not satisfy the burghers; the death of Spurius Cassius

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enabled them to dare any usurpation; while on the other hand they needed a more absolute power than ever, in order to evade their own concession in consenting to his agrarian law. Accordingly, they proposed to elect[1] the consuls themselves, and only to require the confirmation of them by the centuries; a form which would be as unessential as the crowd's acceptance of the king at an English coronation, inasmuch as it was always by the vote of the burghers in their curiæ that the imperium or sovereignty was conferred; and when a consul was already in possession of this, it mattered little whether the centuries acknowledged his title or not. In this manner
A.U.C. 270. were Lucius Æmilius, and Kæso Fabius, the prosecutor of Spurius Cassius, chosen consuls by the burghers; and it was in vain that the commons demanded the execution of the agrarian law; the consuls satisfied the object of those who had elected
A.U.C. 271. them, and the law remained a dead letter. The same spirit was manifested in the elections of the following year, and was attended with the same result; the other prosecutor of Cassius, L. Valerius,

[1] See Niebuhr, Vol. II. p. 202, et seqq. Dionysius and Livy both ascribe the election of Æmilius and Fabius to the influence of the patricians; but Dionysius (VIII. 83) further notices their coming into office as a marked period in the Roman history, and mentions the date, and the name of the archon at Athens for that year; as if there had been some important alteration then made in the constitution. And Zonaras, who copies Dion Cassius, says expressly that the commons, in the year 273, insisted on electing one of the consuls, for at that time both were chosen by the patricians. It seems therefore probable, that the period from 270 to 273 was marked by a decided usurpation on the part of the burghers, and that during that time they alone elected both consuls.

was now chosen by the burghers, and with him another member of the Fabian house, Marcus, the brother of Kæso and of Quintus.

The tribunes protect the commons in their refusal to serve as soldiers.

But the complete usurpation of the consulship by the burghers served to call into action the hitherto untried powers of the tribuneship. In the year 271, the tribune Caius Mænius[2] set the first example of extending the protection of his sacred office to those of the commons who on public grounds resisted the sovereignty of the consuls, by refusing to serve as soldiers. This was the weapon so often used from this time forwards in defence of the popular cause: the Roman commons, like those of England, sought to obtain a redress of grievances by refusing to aid the government in its wars; they refused to furnish men, as our fathers refused to furnish money. But the first exercise of this privilege was overborne with a high hand; the consuls held their enlistment of soldiers without the city; there the tribunes' protection had no force; and if any man refused to appear, and kept his person safe within the range of the tribunes' aid, the consuls proceeded to lay waste his land, and to burn and destroy his stock and buildings, by virtue of that sovereign power which, except within the walls of the city, was altogether unlimited. Accordingly the tribunes' opposition totally failed, and the consuls obtained the army which they wanted.

The centuries recover

But there is an undying power in justice which

[2] Dionysius, VIII. 87.

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the power of appointing one out of the two consuls.

no oppression can altogether put down. Caius Mænius had failed, but his attempt was not entirely fruitless; a spirit was excited amongst the commons which induced the burghers the next year, after long disputes and delays, to choose for one of the consuls a man well affected to the cause of the commons; and the year afterwards it was agreed by both orders that the election should be divided between them; that one consul should be chosen by the burghers in their curiæ, and the other by the whole people in their centuries. Still however it must not be forgotten that the votes of the burghers' clients were at this time so numerous in the centuries, as to give to their patrons no small influence even in the election of that consul who was particularly to be the representative of the commons. Yet the commons regarded the change as a triumph, and it was marked as a memorable event[3] in the annals, that in the year 273, Kæso Fabius was again chosen consul by the burghers, and that Spurius Furius was elected as his colleague by the people in their centuries.

A.U.C. 272.

A.U.C. 273. The Roman soldiers suffer themselves to be beaten in battle, rather than fight for the burghers.

The refusal of the burghers to execute the agrarian law still rankled in the minds of the commons; and when men were again wanted to serve against the Æquians and Veientians, Spurius Licinius[4], one of the tribunes, again offered his protection to those who refused to enlist. But his colleagues betrayed him, and either as being a majority of the college overruled the opposition of Licinius, or by an abuse

[3] Zonaras, VII. 17. Dionysius, IX. 1.

[4] Livy, II. 43.

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of their peculiar power offered their protection to the consuls in enforcing their orders against the refractory. Thus an army was raised; but the soldiers who followed Kæso Fabius into the field, regarded him and the burghers as more their enemies than the Veientians, and according to the Roman annalists, they refused to conquer, and retreated before an enemy whom they could have vanquished if they would. This is merely the habitual style of Roman arrogance; but that brave men may be found capable of allowing themselves to be slaughtered by the enemy rather than risk the possibility of winning a victory for a commander whom they detest, we know, not merely from the suspicious accounts of the Roman writers, but from the experience of our own naval service in the last war, in one memorable instance, as melancholy as it was notorious.

A.U.C. 274. The house of the Fabii supports the cause of the commons.

Marcus Fabius was again chosen as the burghers' consul for the next year, and Cn. Manlius[5] was elected by the centuries. Another attempt to stop the raising of an army was made by the tribune Tiberius Pontificius[6], and was again baffled by the opposition of his colleagues. But this year witnessed an accession to the cause of the commons, of importance more than enough to compensate for the defection of the majority of the tribunes. The Fabian house had now been in possession of one place in the consulship for six years without interruption, a clear proof that no other house among the

[5] Patres—M. Fabium consulem creant: Fabio collega Cn. Manlius datur. Livy, II. 43.

[6] Livy, II. 44.

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burghers could compare with them in credit and in power. Standing at the head of their order, they had been most zealous in its cause, and had incurred proportionably the hatred of the commons. But they had men amongst them of a noble spirit, who could not bear to be so hated by their countrymen, as that their own soldiers should rather allow themselves to be slaughtered by the enemy than conquer under the command of a Fabius. Thus the new consul, Marcus Fabius, was resolved to conciliate the commons[7]; he succeeded so far as to venture to give battle to the Veientians; in the battle[8] he and his brothers fought as men who cared for nothing else than to recover their countrymen's love: Quintus Fabius, the consul of the year 272, was killed; but the Romans gained the victory. Then the Fabii, to show that they were in earnest, persuaded the burghers to divide amongst their houses the care of the wounded soldiers; they themselves took charge of a greater number than any other house, and discharged the duty which they had undertaken with all kindness and liberality. Thus, when the burghers named Kæso Fabius to be again their consul, he was as acceptable to the centuries as his colleague, whom they themselves appointed, Titus Virginius.

A.U.C. 275. Migration of the Fabii to the Cremera, where they are cut off by the Veientians.

Kæso did not delay an instant in showing that his sense of the wrongs of the commons was sincere: he immediately[9] required that the agrarian law of

[7] Neque immemor ejus quod initio consulatus imbiberat, reconciliandi animos plebis, &c. Livy, II. 47, ad fin.

[8] Livy, II. 45—47.

[9] Livy, II. 48.

Spurius Cassius should be duly carried into effect. But the burghers treated him with scorn; the consul, they said, had forgotten himself, and the applauses of the commons had intoxicated him. Then Kæso and all his house, finding themselves reproached for having deserted their former cause, resolved to quit Rome altogether. The war with the Veientians showed them how they might still be useful to their old country: they established themselves on the Cremera, a little stream that runs into the Tiber from the west, a few miles above Rome. Here they settled with their wives and families[10], with a large train of clients[11], and with some of the burghers also who were connected with them by personal ties, and who resolved to share their fortune. The Fabii left Rome as the Claudii had left Regillus a few years before; they wished to establish themselves as a Latin colony in Etruria, serving the cause of Rome even while they had renounced her. But two years afterwards they fell victims to the Veientians, who surprised them, put them all to the sword, and destroyed their settlement. A.U.C. 277.

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The commons had gained strength and confidence from the coming over of the Fabii to their cause; they gratefully honoured the spirit which had made them leave Rome, and when they heard of their overthrow, they at once accused the burghers of

The commons impeach the consuls for allowing the Fabii to be cut off.

[10] See Niebuhr, Vol. II. p. 219. Aulus Gellius says, Sex et trecenti Fabii cum familiis suis—circumventi perierunt.

[11] Πελάτας τε τοὺς ἑαυτῶν ἐπαγόμενοι καὶ φίλους· and again a little below, τὸ μὲν πλεῖον πελατῶν τε καὶ ἑταίρων ἦν. Dionysius, IX. 15.

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having treacherously betrayed them. Titus Menenius, one of the consuls, had been quietly lying encamped [12] near the Cremera when the Fabii were cut off. He was accused therefore in the following
A.U.C. 278. year of treason, and was condemned; but the tribunes themselves pressed for no heavier sentence than a fine, although he actually died from vexation and shame at having been subjected to such a sentence.
A.U.C. 279. In the next year [13] another consul was accused by the tribunes because he had been defeated in battle by the Veientians, but he defended himself manfully, and was acquitted.

Genucius impeaches the consuls for resisting the execution of the agrarian law.

This habit of acting on the offensive for two successive years emboldened the commons, and they now began again to call for the execution of the agrarian law of Cassius. The consuls L. Furius and C. Manlius resisted this demand during their year
A.U.C. 280. of office, but as soon as that was expired, Cn. Genucius [14], one of the tribunes, impeached them both before the commons for the wrong done to that order.

A.U.C. 281. He is found dead in his bed before the trial.

The burghers were now alarmed, for they saw that the commons were learning their own strength, and putting it in practice. They desired, at any risk, to produce a reaction, and they acted at Rome, as the Spartans some years afterwards treated their Helots, or as the Venetian nobles in modern times silenced those bold spirits whom they dreaded. On the night before the day fixed for the trial of the

[12] Livy, II. 52.
[13] Livy, II. 52.
[14] Livy, II. 54.

consuls, Genucius the tribune was found dead in his bed[15].

Other assassinations; the tribune Volero Publilius comes forward.

The secrecy and treachery of assassination are always terrifying to a popular party, who have neither the organization among themselves to be able to concert reprisals, nor wealth enough to bribe an assassin, even if no better feeling restrained them from seeking such aid. Besides, the burghers were not satisfied with a single murder; others whom they dreaded were put out of the way by the same means as Genucius; and like the Athenian aristocratical conspirators in the Peloponnesian war, they freely used the assassin's dagger to secure their ascendancy[16]. Thus the tribunes for awhile were silenced, and the consuls proceeded to enlist soldiers to serve against the Æquians and Volscians. Amongst the rest was one Volero Publilius[17], who had served before as a centurion, and who was now called on to serve as a common soldier; he refused to obey, and being a man of great vigour and activity, he excited the commons to support him, and the consuls and their lictors were driven from the forum. Here the disturbance rested for the time, but Volero was chosen to be one of the tribunes for the year ensuing.

A.U.C. 282. The Publilian law.

Volero was a man equal to the need. The tribunitian power might be crippled by the influence of the burghers at the elections; the burghers' clients were so numerous in the centuries, that they could

[15] Livy, II. 54. Fragm. Vatic. XXII.
[16] Zonaras, VII. 17. Dion Cass. [17] Livy, II. 55.

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elect whom they would; and thus, in ordinary times, the college of tribunes might perhaps contain a majority who were the mere tools of the burghers, and who could utterly baffle the efforts of their colleagues. This Volero was impatient to prevent, and taking advantage of the excitement of the moment, when the commons were enraged by the murder of Genucius, he proposed a law that the tribunes for the time to come[18] should be chosen by the votes of the commons in their tribes, and not by those of the whole people in their centuries.

It is violently opposed by the burghers.

No tribune could be persuaded to betray the cause of his order and of public freedom by opposing Volero on this occasion; but the year passed away, and the burghers were thus long successful in obstructing the further progress of the law. It should be remembered that Volero could but propose his measure to the commons assembled in their tribes, and that even if accepted by them, it did not therefore become a law, but rather resembled the old petitions of the house of commons, which required the sanction of the king and the house of lords before they could become the law of the land. So any resolution of the tribes was no more than a petition addressed to the senate and burghers; but there is a moral power in such petitions which is generally irresistible, and the burghers well understood the policy of an aristocracy, to fight its battle in the assembly of the commons themselves, rather than to

[18] Livy, II. 56.

commit their order in an open contest with the whole order of the commons. Accordingly the burghers laboured to prevent Volero from carrying his petition in the assembly of the tribes. With this view their method was delay: the tribes met to transact business only once in eight days, once, that is, in a Roman week[19]; and no measure could be proposed unless notice had been given of it two full weeks beforehand, while any measure that was not carried on the day when it was brought forward, was held to be lost, and could not be again put to the vote till after the lapse of two full weeks more. The object, therefore, of the burghers was so to obstruct the course of business whenever the tribes met, as to spin it out to sunset without a division; then the measure was lost, and could not be brought on again till after a fortnight's interval. And they interrupted and delayed the business of the tribes, by appearing with their clients in the forum, and purposely exciting a disturbance with the commons. Besides, we are told that Rome was this year visited with a severe epidemic disorder, which, though it lasted only a little while, was exceedingly fatal. This was an interruption to ordinary business, and this, together with the arts of the burghers, prevented the commons from coming to a resolution in

[19] In the Roman Kalendars which have been preserved to us eight letters are used to mark the several days of the month, just as seven are used by us. Thus the nones of the month fell always one Roman week before the ides; the term nonæ, like that of nundinæ to express the weekly market-day, having reference to the inclusive manner of reckoning, common to all the nations of antiquity.

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favour of their measure throughout the whole course of the year.

A.U.C. 283. But at last carried.

Volero was re-elected tribune[20]; Appius Claudius was chosen consul by the burghers, and T. Quintius was elected as his colleague by the centuries. With Volero there was chosen also another tribune more active than himself, Caius Lætorius[21]; the oldest of all the tribunes, but a man endowed with a resolute spirit, and well aware of the duty of maintaining the contest vigorously. Fresh demands were added to those contained in Volero's first law: the ædiles were to be chosen by the tribes as well as the tribunes, and the tribes were to be competent[22] to consider all questions affecting the whole nation, and not such only as might concern the commons. Thus the proposed law was rendered more unwelcome to the burghers than ever, and Appius determined to resist it by force. Lætorius was provoked by the insulting language of the consul, and he swore that on the next day on which the law could be brought forward, he would either get it passed by the commons before evening, or would lay down his life upon the place[23]. Accordingly when the tribes assembled, Appius stationed himself in the forum, surrounded by a multitude of the younger burghers and of his own clients, ready to interrupt the proceedings of the commons. Lætorius called the tribes to vote, and gave the usual order that all strangers,

[20] Livy, II. 56.
[21] Dionysius, IX. 46.
[22] Dionysius, IX. 43. Zonaras, VII. 17.
[23] Livy, II. 56.

that is, all who did not belong to any tribe, should withdraw from the forum. Appius refused to stir[24]; the tribune sent his officer to enforce obedience, but the consul's lictors beat off the officer, and a general fray ensued, in which Lætorius received some blows; and matters would have come to extremity, it is said, had not T. Quintius interposed, and with great difficulty parted the combatants. This, however, appears to be one of the usual softenings of the annals, which delighted to invest these early times with a character of romantic forbearance and innocence. Both parties were thoroughly in earnest; Lætorius had received such injuries as to rouse the fury of the commons to the utmost; again had the sacred persons of the tribunes been profaned by violence, and Lætorius might soon share the fate of Genucius. Accordingly, the commons acted this time on the offensive; they neither withdrew to the Sacred Hill, nor shut themselves up in their own quarter on the Aventine, but they attacked and occupied[25] the Capitol, and held it for some time as a fortress, keeping regular guard, under the command of their tribunes, both night and day. The occupation of the citadel in the ancient Commonwealths implied an attempt to effect a revolution; and a popular tribune thus holding the Capitol with his partisans might, at any instant, make himself absolute, and establish his tyranny, like so many of the popular leaders in Greece, upon the ruins of the old

[24] Livy, II. 56.

[25] Dionysius, IX. 48.

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aristocracy. The senate, therefore, and the wiser consul, T. Quintius, resisted the violent counsels of Appius and the mass of the burghers; it was resolved that the law, which we must suppose had been passed by the commons immediately before they took possession of the Capitol, should be immediately laid before the senate, to receive the assent of that body. It received the senate's sanction[26], and with this double authority it was brought before the burghers in their curiæ, to receive their consent also; the only form wanting to give it the force of a law. But the decision of the wisest and most illustrious members of their own body overcame the obstinacy of the burghers; they yielded to necessity; and the second great charter of Roman liberties, the Publilian Law, was finally carried, and became the law of the land. Some said that even the number of tribunes was now for the first time raised to five, having consisted hitherto of two only. At any rate the names of the first five tribunes, freely chosen by their own order, were handed down to posterity; they were C. Siccius[27], L. Numitorius, M. Duilius, Sp. Icilius, and L. Mæcilius.

In this list we meet with neither Volero nor Lætorius. Volero, as having been already tribune for two years together, and having been less prominent in the final struggle, may naturally have been passed over; but Lætorius, like Sextius at a later period, would surely have been the first choice of the com-

[26] Dionysius, IX. 49.
[27] Livy, II. 58. He borrows the names from the annals of Piso.

mons, when they came to exercise a power which they owed mainly to his exertions. Was it then that his own words had been prophetic; that he had in fact given up his life in the forum on the day when he brought forward the law; that the blows of Appius' burghers were as deadly as those of Kæso Quinctius, or of the murderers of Genucius, and that Lætorius was not only the founder of the greatness of his order, but its martyr also?

Thus after a period of extreme depression and danger, the commons had again begun to advance, and the Publilian Law, going beyond any former charter, was a sure warrant for a more complete enfranchisement yet to come. The commons could now elect their tribunes freely, and they had formally obtained the right of discussing all national questions in their own assembly. Thus their power spread itself out on every side, and tried its strength, against that time when from being independent, it aspired to become sovereign, and swallowed up in itself all the powers of the rest of the community.

CHAPTER XI.

WARS WITH THE ÆQUIANS AND VOLSCIANS—LEGENDS CONNECTED WITH THESE WARS—STORIES OF CORIOLANUS, AND OF CINCINNATUS.

" Pandite nunc Helicona Deæ, cantusque movete :
Qui bello exciti reges ; quæ quemque secutæ
Complerint campos acies ; quibus Itala jam tum
Floruerit terra alma viris, quibus arserit armis."

VIRGIL, Æn. VII. 641.

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Introduction to the foreign history of Rome.

NOTHING conveys a juster notion of the greatness of Roman history than those chapters in Gibbon's work, in which he brings before us the state of the east and of the north, of Persia and of Germany, and is led unavoidably to write an universal history, because all nations were mixed up with the greatness and the decline of Rome. This indeed is the peculiar magnificence of our subject, that the history of Rome must be in some sort the history of the world; no nation, no language, no country of the ancient world, can altogether escape our researches, if we follow on steadily the progress of the Roman dominion till it reached its greatest extent. On this vast field we are now beginning to enter; our view must be car-

ried a little beyond the valley of the Tiber, and the plain of the Campagna; we must go as far as the mountains which divide Latium from Campania, which look down upon the level of the Pontine marshes, and even command the island summits of the Alban hills: we must cross the Tiber, and enter upon a people of foreign extraction and language, a mighty people, whose southern cities were almost within sight of Rome, while their most northern settlements were planted beyond the Apennines, and, from the great plain of the Eridanus, looked up to that enormous Alpine barrier which divided them from the unknown wildernesses watered by the Ister and his thousand tributary rivers.

The Opicans or Ausonians, and the two Opican nations, the Æquians and Volscians.

In the days of Thucydides, the Greek city of Cuma[1] is described as situated in the land of the Opicans. The Opicans, Oscans, or Ausonians, for the three names all express the same people, occupied all the country between Œnotria and Tyrrhenia, that is to say, between the Silarus and the Tiber; but the sea-coast of this district was full of towns belonging to people of other nations, such as the Greek cities of Cuma and Neapolis, and those belonging to the Tyrrhenian Pelasgians, such as Tarracina, Circeii, Antium, and Ardea. The Opicans were an inland people, and it was only by conquest that they at last came down to the sea-coast, and established themselves in some of the Tyrrhenian towns. They had various subdivisions; but the two

[1] Thucyd. VI. 4.

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nations of them with whom the Romans had most to do, and whose encroachments on Latium we are now to notice, are known to us under the name of the Æquians and Volscians.

It is absolutely impossible to offer any thing like a connected history of the Volscian and Æquian wars with Rome during the first half century from the beginning of the Commonwealth. But in order to give some clearness to the following sketch, I must first describe the position of the two nations, and class their contests with Rome, whether carried on singly or jointly, under the names respectively of the Æquian and Volscian wars, according to the quarter which was the principal field of action.

Their geographical position.

The Volscians, when they first appear in Roman history, are found partly settled on the line of highlands overlooking the plain of Latium, from near Præneste to Tarracina, and partly at the foot of the hills in the plain itself. It has been already noticed, that just to the south of Præneste a remarkable break occurs in this mountain wall, so that only its mere base has been left standing, a tract of ground [2] barely of sufficient elevation to turn the waters in different directions, and to separate the source of the Trerus, which feeds the Liris, from the streams of the Cam-

[2] Taking a parallel case from English geography, the gap in the oolitic limestone chain of hills which occurs in Warwickshire, between Farnborough and Edge Hill, may be compared to the gap at Prænestè; the line of hills northward and southward from this point, overlooking the lias plain of Warwickshire, may represent respectively the countries of the Æquians and Volscians; whilst Banbury and the valley of the Cherwell answer to the country of the Hernicans.

pagna of Rome. This breach or gap in the mountains forms the head of the country of the Hernicans, who occupied the higher part of the valley of the Trerus, and the hills on its left bank downward as far as its confluence with the Liris. But at Præneste the mountain wall rises again to its full height, and continues stretching to the northward in an unbroken line, till it is again interrupted at Tibur or Tivoli by the deep valley of the Anio. Thus from the Anio to the sea at Tarracina, the line of hills is interrupted only at a single point, immediately to the south of Præneste, and is by this breach divided into two parts of unequal length, the shorter one extending from Tibur to Præneste, the longer one reaching from the point where the hills again rise opposite to Præneste as far as Tarracina and the sea. Of this mountain wall the longer portion was held by the Volscians, the shorter by the Æquians.

Seat of the wars with the Æquians;

But it is not to be understood that the whole of this highland country was possessed by these two Opican nations. Latin towns were scattered along the edge of it overlooking the plain of Latium, such as Tibur and Præneste in the Æquian portion of it, and in the Volscian, Ortona, Cora, Norba, and Setia. The Æquians dwelt rather in the interior of the mountain country; their oldest seats were in the heart of the Apennines, on the lake of Fucinus, from whence they had advanced towards the west, till they had reached the edge overhanging the plain. Nor is it possible to state at what time the several Latin cities of the Apennines were first conquered,

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or how often they recovered their independence. Tibur and Præneste never fell into the hands of the Æquians, their natural strength helping probably to secure them from the invaders. The Æquians seem rather to have directed their efforts in another direction against the Latin towns of the Alban hills, pouring out readily through the breach in the mountain line already noticed, and gaining thus an advanced position from which to command the plain of Rome itself.

with the Volscians. Volscian conquests in Latium.

The Volscian conquests, on the other hand, were effected either in their own portion of the mountain line, or in the plain nearer the sea, or finally, on the southern and western parts of the cluster of the Alban hills, as the Æquians attacked their eastern and northern parts. Tarracina[3] appears to have fallen into their hands very soon after the overthrow of the Roman monarchy; and Antium[4] was also an early conquest. In the year 261, Bovillæ, Circeii, Corioli, Lavinium, Satricum, and Velitræ, were still Latin cities; but all[5] these were conquered at one

[3] It is mentioned as a Volscian town under the name of Anxur in the year 349. (Livy, IV. 59.) Its capture by the Volscians is no where recorded; but in the earliest Volscian wars, after the expulsion of the Tarquins, the seat of war lies always on the Roman side of it. It seems therefore to have fallen soon after the date of the treaty with Carthage, in which it is spoken of as a Latin city.

[4] It belonged to the Volscians in the year 261, the year in which the Roman league with the Latins was concluded. Livy, II. 33.

[5] The present text of Dionysius has Βολὰς or Βωλάς (VIII. 20). Plutarch has Βόλλας (Coriolanus, 29); but it appears that Bovillæ and not Bola is meant, because the conquest of Bola is mentioned separately by both writers, and because Plutarch gives the distance of Βόλλαι from Rome at one hundred stadia, which suits Bovillæ, but is too little for Bola. The conquest of Circeii,

time or other by the Volscians, so that at the period of their greatest success they must have advanced within twelve miles of the gates of Rome. The legend of Coriolanus represents these towns, with the exception of Velitræ, as having been taken between the years 263 and 266, in the great invasion conducted jointly by Coriolanus and by Attius Tullius. But Niebuhr has given reasons for believing that these conquests were not made till some years later, and that they were effected not all at once, but in the course of several years. Be this as it may, it is certain that some of the towns thus taken, Satricum, for instance, Circeii, and Velitræ, remained for many years in possession of the Volscians. Corioli was destroyed, and is no more heard of in history, while Bovillæ and Lavinium were in all probability soon recovered either by the Romans or by the Latins.

Æquian conquests.

Whilst the Volscians were thus tearing Latium to pieces on one side, the Æquians were assailing it with equal success on the other. Their conquests also are all assigned by the legend of Coriolanus to

Corioli, Lavinium, and Satricum, it noticed by Livy, II. 39. Velitræ was taken by the Romans from the Volscians in the year 260, but it must afterwards have been lost again; for we find it in arms with the Volscians against Rome, and afterwards with the Latins; and though this is spoken of as the revolt of a Roman colony, as if the descendants of the colonists sent there after its first conquest in 260, had always continued in possession of it, yet the well-known inscription found there, known by the name of "La Lamina Volsca" or "Borgiana," is written in the Oscan language, and contains the Oscan title "Medix." See Lanzi, Saggio di Lingua Etrusca, Vol. III. p. 616. I believe Niebuhr is right in considering such pretended revolts of Roman colonies to have been properly a revolt of the old inhabitants, in which the Roman colonists as a matter of course were expelled or massacred. See Vol. II. p. 44, 45. Eng. Transl.

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his famous invasion, when he is said to have taken Corbio[6], Vitellia, Trebia, Lavici, and Pedum. All these places, with the exception of Trebia, stood either on the Alban hills, or close to them, and three of them, Corbio, Lavici, and Pedum, are amongst the thirty Latin cities which concluded the treaty with Spurius Cassius in the year 261. They were retained for many years[7] by their conquerors; and thus Tibur and Præneste were isolated from the rest of Latium, and the Æquians had established themselves on the Alban hills above and around Tusculum, which remained the only unconquered Latin city in that quarter, and was so thrown more than ever into the arms of Rome.

These conquests were effected gradually, during a period of several years, at the close of the third century of Rome.

Now, had all these conquests been indeed achieved as early as the year 266, and within the space of one or two years, what could have prevented the Æquians and Volscians from effecting the total conquest of Rome, or what could their armies have been doing in the years from 273 to 278, when the Romans were struggling so hardly against the Veientians? Or how comes it, as Niebuhr well observes, if the Æquians had taken Pedum, and Corbio, and Lavici, in 266, that their armies are mentioned as encamping on Algidus for the first time in the year 289; a spot which from that time forwards they continued to

[6] Livy, II. 39.

[7] Lavici was conquered by the Romans in 336. (Livy, IV. 47.) Corbio in 297. (Livy, III. 30.) No recapture of Pedum is mentioned; but the town probably joined the Latin confederacy again, when it shook off the Volscian yoke; it is mentioned in the time of the great Latin war as taking an active part on the Latin side.

occupy year after year till Rome regained the ascendancy? It is much more probable that the first years of the war after 263 were marked by no decisive events; that the league with the Hernicans in 268 opposed an additional obstacle to the progress of the Opican nations; but that subsequently the wars with the Veientians, and the domestic disputes which raged with more or less violence from the death of Spurius Cassius, to the passing of the Publilian law, distracted the attention of the Romans, and enabled the Æquians and Volscians to press with more effect upon the Latins and Hernicans. But Antium was wrested from the Volscians by the three confederate nations in 286, and the great period of the Roman disasters is to be placed in the ten years following that event; unless we choose to separate the date of the Volscian conquests from those of the Æquians. We must then suppose that Corioli, Satricum, Lavinium, and the towns in that quarter, had been taken by the Volscians between 266 and 286, that some of these were afterwards recovered, and that the Romans during the latter part of the period had been regaining their lost ground, till in 286 they became, in their turn, the assailants, and conquered Antium. Then the Æquians united their arms more zealously with the Volscians; the seat of the war was removed to the frontier of Latium, bordering on the Æquians, and then followed the invasion of that frontier, the establishment of the Æquians on Algidus, and the repeated ravages of the Roman territory between Tusculum and Rome.

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That period was also marked by the visitations of pestilence.

The period between the year 286 and the end of the century, was marked by the visitations of pestilence as well as by those of war. A short but most severe epidemic had raged in the year 282[8]; it broke out again in 288[9], and then in 291[10], when its ravages were most fearful. It carried off both the consuls, two out of the four augurs, the Curio Maximus, with a great number of other persons of all ages and conditions: and this sickness, like the plague of Athens, was aggravated by the inroads of the Æquians and Volscians, which had driven the country people to fly with their cattle into Rome, and thus crowded a large population into a narrow space with deficient accommodations, while the state of the atmosphere was in itself pestilential, even had it been met under circumstances the most favourable. It is manifest that at this time the Romans were in possession of no fortified towns between Rome and the Æquian frontier; when the Roman armies could not keep the field, the enemy might march without obstacle up to the very walls of Rome itself; and there was nothing for them to win except the plunder of the Roman territory, and the possession of the capital.

And by internal dissensions, which drove many Romans in exile, who

Perhaps, too, these disastrous times were further aggravated by another evil, which the Roman annals were unwilling openly to avow. When matters came to such a crisis that the commons occupied the

[8] Dionysius, IX. 42.
[9] Livy, III. 2. Dionysius, IX. 60.
[10] Livy, III. 6, 7. Dionysius, IX. 67.

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joined the armies of the Æquians and Volscians.

Capitol in arms, as was the case immediately before the passing of the Publilian law, when we read of dissensions so violent, that the consuls of three successive years were impeached by the tribunes, and a tribune was on the other hand murdered by the aristocracy; when again, at a somewhat later period, we read of the disputes about the Terentilian law, and hear of the banishment of Kæso Quinctius for his violences towards the commons on that occasion, we may suspect that the whole truth has not been revealed to us, and that the factions of Rome, like those of Greece, were attended by the banishment of a considerable number of the vanquished party, so that Roman exiles were often to be found in the neighbouring cities, as eager to return as the Tarquinii had been formerly, and as little scrupulous as they of effecting that return through foreign aid. That this was actually the case, is shown by the surprise of the Capitol, in the year 294, when a body of men, consisting, as it is expressly said, of exiles and slaves[11], and headed by Appius Herdonius, a

[11] It is not indeed expressly said that the exiles were Roman exiles; and Livy, who in his whole narrative of the transaction says nothing of Kæso, or of his connexion with the conspiracy, uses language which might be applicable to the case of exiles of other countries. He makes Herdonius say (III. 15), "Se miserrimi cujusque suscepisse causam, ut exules injuria pulsos in patriam reduceret; id malle populo Romano auctore fieri: si ibi spes non sit, Volscos et Æquos, et omnia extrema tentaturum et concitaturum." Still even these words, especially the expression "in patriam," instead of "in patrias," are most naturally to be understood of Roman exiles; if they had been all Sabines, or Æquians, or Volscians, the attempt would have been made on the citadel of Cures, or Lavici, or Anxur; not on the Capitol at Rome. But Dionysius' words (X. 14) admit of no doubt. Ἦν δὲ αὐτοῦ γνώμη μετὰ τὸ κρατῆσαι τῶν ἐπικαιροτάτων τόπων (of Rome, namely) τούς τε

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Sabine, made themselves masters of the citadel of Rome. There is, therefore, in all probability, a foundation in truth for the famous story of Coriolanus, but it must be referred to a period much later than the year 263, the date assigned to it in the common annals; and the circumstances are so disguised that it is impossible to guess from what reality they have been corrupted. It would be a beautiful story, could we believe that Coriolanus joined the conquering Æquians and Volscians with a body of Roman exiles; that the victories of foreigners put it in his power to procure his own recall and that of his companions, but that overcome by the prayers of his mother, he refrained from doing such violence to the laws of his country; and contented with the conquests of his protectors, he refused to turn them to his own personal benefit, and chose rather to live and die an exile than to owe his restoration to the

φυγάδας εἰσδέχεσθαι, καὶ τοὺς δούλους εἰς ἐλευθερίαν καλεῖν. These can certainly be no other than the exiles and the slaves of Rome.

The supposition in the text receives further confirmation from a remarkable statement in Dionysius, that in the year 262, just before the banishment of Coriolanus, many Roman citizens were invited by the neighbouring cities to leave their country, and to come and live with them, and enjoy their franchise of citizenship. And a great many πολλοὶ πάνυ left Rome with their families, he says, on these terms; some of whom returned afterwards, when better times arrived, but others continued to live in their new countries. See Dionys. VII. 18. This undoubtedly must mean, that many Romans were obliged to go into banishment, and these availed themselves of the treaty with the Latins, which established an interchange of citizenship between Rome and Latium, and became citizens of some Latin city. And this is the simplest way of accounting for the name Coriolanus, to suppose that he settled at Corioli, and became a citizen there; and afterwards when Corioli was conquered by the Volscians, joined their army in order to prosecute his revenge against Rome.

swords of strangers. Be this as it may, the common story is so famous and so striking that it must not be suppressed; and the life and death of Coriolanus are no unworthy sequel to the story of the life and death of the last king Tarquinius.

STORY OF CORIOLANUS. Of his early prowess at the battle by the lake Regillus.

CAIUS MARCIUS[12] was a noble Roman, of the race of that worthy king, Ancus Marcius[13]; his father died when he was a child, but his mother, whose name was Volumnia, performed to him the part both of father and of mother; and Caius loved her exceedingly, and when he gained glory by his feats of arms, it was his greatest joy that his mother should hear his praises; and when he was rewarded for his noble deeds, it was his greatest joy that his mother should see him receive his crown. And he fought at the battle by the lake Regillus[14], against king Tarquinius and the Latins, and he was then a youth of seventeen years of age; and in the heat of the battle he saw a Roman beaten to the ground, and his foe was rushing on him to slay him, but Caius stepped before him, and covered him, and slew the enemy, and saved the life of his fellow soldier. So Aulus the general rewarded him with an oaken wreath, for such was the reward given to

[12] Zonaras, copying Dion Cassius, and most of the MSS. of Livy, give the prænomen of Coriolanus as Cnæus, and not Caius. Historically the point is of no consequence; but the richest poetry in which the story of Coriolanus was ever recorded, Shakspeare's tragedy on that subject, has consecrated the name of Caius; and in this respect, as well as in calling the mother of the hero, Volumnia, and his wife Virgilia, I have regarded Shakspeare's authority as decisive.

[13] Plutarch, Coriolanus, 1. 4.

[14] Plutarch, Coriolanus, 3.

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those who saved the life of a comrade in battle. And this was his first crown, but after this he won many in many battles, for he was strong and valiant, and none of the Romans could compare with him.

How he took the city of Corioli, and won the name of Coriolanus.

After this there was a war between the Romans and the Volscians; and the Romans attacked the city of Corioli[15]. The citizens of Corioli opened their gates, and made a sally, and drove the Romans back to their camp. Then Caius ran forwards with a few brave men, and called back the runaways, and he stayed the enemy, and turned the tide of the battle, so that the Volscians fled back into the city. But Caius followed them, and when he saw the gates still open, for the Volscians were flying into the city, then he called to the Romans, and said, "For us are yon gates set wide rather than for the Volscians: why are we afraid to rush in?" He himself followed the fugitives into the town, and the enemy fled before him; but when they saw that he was but one man they turned against him; but Caius held his ground, for he was strong of hand, and light of foot, and stout of heart, and he drove the Volscians to the farthest side of the town, and all was clear behind him; so that the Romans came in after him without any trouble, and took the city. Then all men said, "Caius and none else has won Corioli;" and Comi-

[15] Plutarch, Coriolanus, 8. The story represents Corioli as a Volscian town, and as taken by the Romans in the consulship of Postumus Cominius, A.U.C. 261. The authentic monument of these times, the treaty between the Romans and Latins concluded in this very same year, shows that Corioli was then not a Volscian but a Latin town, and one of the thirty states which made the alliance with Rome.

nius the general said, "Let him be called after the name of the city." So they called him Caius Marcius Coriolanus [16].

Caius offends the commons, and is banished.

After this there was a great scarcity of corn, and the commons were much distressed for want, and the king [17] of the Greeks in Sicily sent ships laden with corn to Rome: so the senate resolved to sell the corn to the poor commons, lest they should die of hunger. But Caius hated the commons, and he was angry that they had got tribunes to be their leaders, and he said, "If they want corn, let them show themselves obedient to the burghers as their fathers did, and let them give up their tribunes; and then will we let them have corn to eat, and will take care of them." The commons, when they heard this, were quite furious, and they would have set upon Caius as he came out of the senate-house, and torn him to pieces, but the tribunes said, "Nay, ye shall judge him yourselves in your comitia, and we will be his accusers." So

[16] The story of the taking of Corioli was an attempt to explain the name of Coriolanus, which in reality merely showed that Marcius had been settled at Corioli, and had become a citizen of that place after his banishment from Rome. The same explanation will serve perhaps for some other Latin surnames, such as Medullinus, Rigillensis, Malventanus, and others, recording the connexion of Roman families, at some period or other, with the towns from which they took their names. See note 11.

[17] Plutarch names Gelon, tyrant of Syracuse. Livy merely says that the corn came from Sicily; Dionysius calls Gelon "the most distinguished of the tyrants of Sicily at that time," without specifying whether, at the time of the famine at Rome, he was tyrant of Gela, or of Syracuse. The old Roman annalists, Licinius Macer and Cn. Gellius, cared about Greek chronology as little as Shakspeare did about that of Rome; and as he makes Titus Lartius talk of Cato the censor, so they made Dionysius the tyrant contemporary with the battle of Marathon, and said that it was he who relieved the scarcity at Rome in the year 262.

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they accused Caius before the commons; and Caius knew that they would show him no mercy, therefore he stayed not for the day of his trial[18], but fled from Rome, and took refuge among the Volscians. They and Attius Tullius their chief received him kindly, and he lived among them a banished man.

He goes to the Volscians:

Attius Tullius stirs up war between the Romans and Volsciana. How he contrived to bring this about.

Attius said to himself, "Caius, who used to fight against us, is now on our side; we will make war again upon the Romans." But the Volscians were afraid; so that Attius was forced to practise craftily, to make them to do what he wished, whether they would or no. Now the manner of his practice was as follows[19]: The great games of Rome were finished, but they were going to be celebrated over again with great pomp and cost, to appease the wrath of Jupiter. For Jupiter had spoken in a dream to Titus Latinius, a man of the commons, and said, "Go and bid the consuls to celebrate the games over again with great pomp, for one danced at the opening of the games[20] but now, whom I liked not; and vengeance is coming therefore upon this city." But Titus feared to go to the consuls, for he thought that every one would laugh at him, and so he did not obey the god. A few days after, his son fell

[18] Livy, II. 35. Ipse quum die dictâ non adesset, perseveratum in irâ est. Dionysius, whom Plutarch follows, says that the tribunes fixed perpetual banishment as the penalty which the accused should suffer if found guilty; that he was found guilty by the votes of twelve tribes out of twenty-one, and banished accordingly. Dionysius and Plutarch seem to have forgotten that exile as a punishment was unknown to the Roman law till a much later period.

[19] Livy, II. 36.

[20] Visus Jupiter dicere, "Sibi ludis præsultatorem displicuisse." Livy, II. 36.

sick and died; and again the vision appeared to him in his sleep, and said, "Wilt thou still despise what I tell thee? Thy son is dead, but if thou go not quickly, and do my bidding, it shall be yet worse for thee." But Titus still lingered, so he was himself stricken with a palsy; and he could not walk, but they carried him in a litter. Then he delayed no longer, but said to his kinsmen, "Carry me into the forum, to the consuls." And they carried him in his litter, and he told the consuls the bidding of the god, and all that had befallen himself. When he had finished his story, the consuls remembered how that on the morning of the first day of the games, a burgher had taken his slave and scourged him in the midst of the circus where the games were to be held; and the burghers regarded it not, but Jupiter saw it and was wroth: for it was a holy day, and a day for mirth and gladness, and not for crying and for torment. So the consuls believed what Titus said, and brought him into the senate, and he told the story again to the senators. When lo! so soon as he had ended his story, the palsy left him, and his limbs became strong as before, and he needed no more to be carried in his litter, but walked home on his feet.

The Volscians are driven out of Rome at the celebration of the great games.

Thus the great games[21] were celebrated over again at Rome, and many of the Volscians went to Rome to see the sight. Then Attius went to the consuls privately, and said to them: "A great multitude of

[21] Livy, II. 37.

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Volscians are now in Rome. I remember now on a like occasion, not many years since, the Sabines made a riot in this city, and great mischief was like to come of it; loth were I that my people should do aught of the same kind: but it becomes your wisdom rather to hinder evil than to mend it." When the consuls told this to the senate, the senate was afraid; and it was thought best to send the criers round the city, to give notice that every Volscian should be gone from Rome before the setting of the sun. The Volscians were very angry at this, for they said to one another, "Do these men then hold us to be so profane and unholy, that our presence is an offence to the blessed gods?" So they left Rome in haste, and went home towards their own country, full of indignation at the shame which was put upon them.

Attius meets them, and excites them to go to war with the Romans.

Their way home was over the hills of Alba[22], by the well-head of the water of Ferentina, where the councils of the Latins had been used to meet of old. Attius knew that the Volscians would be driven from Rome, and would pass that way, so he waited there to meet them. At last they came up in a long train, each as he could go, and Attius spoke to them, and asked them what was the matter, that they had so suddenly left Rome. When they told him, he called them to follow him from the road, down to the grass which was by the side of the stream, and there they gathered round him, and he made a

[22] Livy, II. 38.

speech to them, and said, "What is it that these men have done to you? They have made a show of you at their games before all the neighbouring nations. Ye, and your wives, and your children, were cast out at the voice of the crier, as though ye were profane and unholy, and as if your presence before the sight of the gods were a sacrilege. Do ye not count them for your enemies already, seeing if ye had not made such good haste in coming away ye would have been all dead men ere now? They have made war upon us: see to it, if ye be men, that ye make them rue their deed." So the Volscians eagerly listened to his words, and all their tribes made it a common quarrel, and they raised a great army, and chose Attius and Caius Marcius the Roman to command it.

How Caius and Attius marched against Rome.

When this great host took the field, the Romans feared to go out to battle against it. So Caius and Attius attacked the cities of the Latins, and they first took Circeii[23], and afterwards Satricum, and Longula, and Polusca, and Corioli; and then they took Lavinium, which was to the Romans a sacred city, because Æneas was its founder, and because the holy things of the gods of their fathers were kept there. After this Caius and Attius took Corbio, and Vitellia, and Trebia, and Lavici, and Pedum; and from Pedum they went towards Rome, and they encamped by the Cluilian dyke, which was no more than five miles from the city; and they laid waste

[23] Livy, II. 39.

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the lands of the commons of Rome, but they spared those of the burghers; Caius, for his part, thinking that his quarrel was with the commons only, and that the burghers were his friends; and Attius thinking that it would cause the Romans to be jealous of each other, and so make Rome the easier to be conquered. So the host of the Volscians lay encamped near Rome.

The Romans sue for peace, but it is not granted.

Within the city meanwhile there was a great tumult; the women ran to the temples of the gods to pray for mercy, the poorer people cried out in the streets that they would have peace, and that the senate should send deputies to Caius and to Attius. So deputies were sent[24], five men of the chief of the burghers; but Caius answered them, "We will give you no peace, till ye restore to the Volscians all the land and all the cities which ye or your fathers have ever taken from them; and till[25] ye make them your citizens, and give them all the rights which ye have yourselves, as ye have done to the Latins." The deputies could not accept such hard conditions, so they went back to Rome. And when the senate sent them again to ask for gentler terms, Caius would not suffer them to enter the camp.

The priests of the gods go to sue for mercy to Caius, but he will not hear them.

After this[26] the senate sent all the priests of the gods, and the augurs, all clothed in their sacred garments, and bearing in their hands the tokens of the gods whom they served. But neither would Caius

[24] Dionysius, VIII. 22.
[25] Dionysius, VIII. 35. Plutarch, Coriolan. 30.
[26] Livy, II. 39. Plutarch, Coriolan. 32.

listen to these; so they too went back again to Rome.

A noble lady, called Valeria, persuades the mother and wife of Caius to go and sue to him for mercy.

Yet, when the help of man had failed the Romans, the help of the gods delivered them; for among the women who were sitting as supplicants in the temple of Jupiter in the Capitol, was Valeria[27], the sister of that Publius Valerius who had been called Poplicola, a virtuous and noble lady, whom all held in honour. As she was sitting in the temple as a suppliant before the image of Jupiter, Jupiter seemed to inspire her with a sudden thought, and she immediately rose, and called upon all the other noble ladies who were with her to arise also, and she led them to the house of Volumnia, the mother of Caius. There she found Virgilia, the wife of Caius, with his mother, and also his little children. Valeria then addressed Volumnia and Virgilia, and said, "Our coming here to you is our own doing; neither the senate nor any other mortal man have sent us; but the god in whose temple we were sitting as suppliants put it into our hearts, that we should come and ask you to join with us, women with women, without any aid of men, to win for our country a great deliverance, and for ourselves a name glorious above all women, even above those Sabine wives in the old time, who stopped the battle between their husbands and their fathers. Come then with us to the camp of Caius, and let us pray to him to show us mercy." Volumnia said, "We will go with you:" and Virgilia took her

[27] Plutarch, Coriolan. 32, 33.

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young children with her, and they all went to the camp of the enemy.

How his wife and mother prevailed with him, and how he led away his army.

It was a sad and a solemn sight[28] to see this train of noble ladies, and the very Volscian soldiers stood in silence as they passed by, and pitied them and honoured them. They found Caius sitting on the general's seat in the midst of the camp, and the Volscian chiefs were standing round him. When he first saw them he wondered what it could be; but presently he knew his mother, who was walking at the head of the train; and then he could not contain himself, but leapt down from his seat and ran to meet her, and was going to kiss her. But she stopped him and said[29], "Ere thou kiss me, let me know whether I am speaking to an enemy or to my son; whether I stand in thy camp as thy prisoner or as thy mother." Caius could not answer her, and then she went on and said, "Must it be then, that had I never borne a son, Rome never should have seen the camp of an enemy; that had I remained childless, I should have died a free woman in a free city? But I am too old to bear much longer either thy shame or my misery. Rather look to thy wife and children, whom if thou persistest thou art dooming to an untimely death, or a long life of bondage." Then Virgilia and his children came up to him and kissed him, and all the noble ladies wept and bemoaned their own fate and the fate of their country. At last Caius cried out, "O mother, what hast thou

[28] Plutarch, Coriolan. 34.

[29] Livy, II. 40.

done to me?" and he wrung her hand vehemently, and said, "Mother, thine is the victory; a happy victory for thee and for Rome, but shame and ruin to thy son." Then he fell on her neck and embraced her, and he embraced his wife and his children, and sent them back to Rome; and led away the army of the Volscians, and never afterwards attacked Rome any more; but he lived on a banished man amongst the Volscians, and when he was very old, and had neither wife nor children around him, he was wont to say, "That now in old age[30] he knew the full bitterness of banishment." So Caius lived and died amongst the Volscians.

How the Romans honoured the noble ladies for their deed.

The Romans, as was right, honoured Volumnia and Valeria for their deed, and a temple was built and dedicated to "Woman's Fortune[31]," just on the spot where Caius had yielded to his mother's words; and the first priestess of the temple was Valeria, into whose heart Jupiter had first put the thought to go to Volumnia, and to call upon her to go out to the enemy's camp and entreat her son.

Such is the famous story which has rendered the Volscian wars with Rome so memorable: the wars

[30] "Multo miserius seni exilium esse." Fabius, quoted by Livy, II. 40.

[31] Livy, II. 40. Dionysius, VIII. 55. It is one of Niebuhr's most ingenious conjectures, that the foundation of this temple, and the fact that Valeria was the first priestess of it, gave occasion to the date assigned to the story of Coriolanus, and to the introduction of Valeria into it, as the first suggester of the step which saved Rome. Niebuhr observes that Fortuna Muliebris had nothing to do with the successful embassy of Volumnia and Valeria, but corresponded to Fortuna Virilis; and that both were anciently worshipped; the one as influencing the fortunes of men, the other those of women. Vol. II. p. 115. 2nd edit.

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with the Æquians are marked by a name and a story not less celebrated, those of L. Quinctius Cincinnatus.

STORY OF CINCINNATUS. The Æquians break the peace with Rome, and scorn the complaints of the Romans.

There had been peace between the Romans and the Æquians: but the Æquians and Gracchus Cloelius[32], their chief, broke the peace, and plundered the lands of the people of Lavici and of the people of Tusculum. They then pitched their camp on the top of Algidus; and the Romans sent deputies to them to complain of the wrong which they had done. It happened that the tent of Gracchus was pitched under the shade of a great evergreen oak, and he was sitting in his tent when the deputies came to him. His answer was full of mockery; "I, for my part," said he, "am busy with other matters; I cannot hear you; you had better tell your message to the oak yonder." Immediately one of the deputies answered, "Yea, let this sacred oak hear, and let all the gods hear likewise, how treacherously you have broken the peace! They shall hear it now, and shall soon avenge it; for you have scorned alike the laws of the gods and of men." Then they went back to Rome, and the senate resolved upon war: and Lucius Minucius, the consul, led his legions towards Algidus, to fight with the proud enemy.

How the army of the consul Minucius fell into an ambush.

But Gracchus was a skilful soldier[33], and he pretended to be afraid of the Romans, and retreated before them, and they followed him, without heeding where they were going. So they came into a narrow

[32] Livy, III. 25. [33] Dionysius, X. 23.

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valley, with hills on either side, high, and steep, and bare; and then Gracchus sent men secretly, who closed up the way by which they had entered into the valley, so that they could not get back; and the hills [34] closed round the valley in front of them, and on the right and left, and on the top of these hills Gracchus lay with his army, while the Romans were shut up in the valley below. In this valley there was neither grass for the horses, nor food for the men: but five horsemen had broken out, before the road in the rear of the Romans was quite closed up, and these rode to Rome, and told the senate of the great danger of the consul and of the army.

The Romans at Rome were in great alarm.

Upon this Quintus Fabius [35], the warden of the city, sent in haste for Caius Nautius, the other consul, who was with his army in the country of the Sabines. When he came, they consulted together, and the senate said, "There is only one man who can deliver us; we must make Lucius Quinctius Master of the people." So Caius, as the manner was, named Lucius to be Master of the people; and then he hastened back to his army before the sun was risen.

They appoint Lucius Quinctius to be Master of the people.

[34] This is just the description of the famous Furcæ Caudinæ, in which the Romans were blockaded by C. Pontius. It suits the character of the Apennine valleys, but I never saw any such spots on the Alban hills, where the scene of Cincinnatus' victory is laid. It is likely enough, however, that Dionysius, or the annalist whom he followed, did actually take their description from that of the Caudine Forks, and that it made no part of the old legend. Livy's account says nothing of any natural disadvantages of position: he merely says that the Romans kept within their camp through fear, and that this encouraged the Æquians to blockade them.

[35] Dionysius, X. 23.

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This Lucius Quinctius let his hair grow[36], and tended it carefully: and was so famous for his curled and crisped locks, that men called him Cincinnatus, or the "crisp-haired." He was a frugal man[37], and did not care to be rich; and his land was on the other side of the Tiber, a plot of four jugera, where he dwelt with his wife Racilia, and busied himself in the tilling of his ground. So in the morning early the senate sent deputies to Lucius to tell him that he was chosen to be Master of the people. The deputies went over the river, and came to his house, and found him in his field at work, without his toga or cloak, and digging with his spade in his ground. They saluted him and said, "We bring thee a message from the senate, so thou must put on thy cloak that thou mayest receive it as is fitting." Then he said, "Hath aught of evil befallen the state?" and he bade his wife to bring his cloak, and when he had put it on he went out to meet the deputies. Then they said, "Hail to thee, Lucius Quinctius, the senate declares thee Master of the people, and calls thee to the city; for the consul and the army in the country of the Æquians are in great danger." There was then a boat made ready to carry him over the Tiber, and when he stepped out of the boat his three sons came to meet him, and his kinsmen and his friends; and the greater part of the senators. He was thus led home in great state to his house, and the four-and-twenty lictors, with their rods and axes,

[36] Zonaras, VII. p. 346. Ed. Paris, p. 260. Ed. Venet.

[37] Livy, III. 26.

walked before him. As for the multitude, they crowded round to see him, but they feared his four-and-twenty lictors; for they were a sign that the power of the Master of the people was as sovereign as that of the kings of old.

Lucius marches out to deliver the consul's army.

Lucius chose Lucius Tarquitius[38] to be Master of the horse, a brave man, and of a burgher's house; but so poor withal, that he had been used to serve among the foot soldiers instead of among the horse. Then the Master of the people and the Master of the horse went together into the forum, and bade every man to shut up his booth, and stopped all causes at law, and gave an order that none should look to his own affairs till the consul and his army were delivered from the enemy. They ordered also that every man who was of an age to go out to battle, should be ready in the Field of Mars before sunset, and should have with him victuals for five days, and twelve stakes; and the older men dressed the victuals for the soldiers, whilst the soldiers went about every where to get their stakes; and they cut them where they would, without any hindrance. So the army was ready in the Field of Mars at the time appointed, and they set forth from the city, and made such haste, that ere the night was half spent they came to Algidus; and when they perceived that they were near the enemy, they made a halt.

He conquers the Æquians.

Then Lucius rode on, and saw[39] how the camp of

[38] Livy, III. 27.

[39] "Quantum nocte prospici poterat" is Livy's qualification of the story; but the original legend in all probability regarded darkness no more than distance: and

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the enemy lay; and he ordered his soldiers to throw down all their baggage into one place, but to keep each man his arms and his twelve stakes. Then they set out again in their order of march as they had come from Rome, and they spread themselves round the camp of the enemy on every side. When this was done, upon a signal given they raised a great shout, and directly every man began to dig a ditch just where he stood, and to set in his stakes. The shout rang through the camp of the enemy, and filled them with fear; and it sounded even to the camp of the Romans who were shut up in the valley, and the consul's men said one to another, "Rescue is surely at hand, for that is the shout of Romans." They themselves shouted in answer, and sallied to attack the camp of the enemy: and they fought so fiercely that they hindered the enemy from interrupting the work of the Romans without their camp: and this went on all the night, till when it was morning, the Romans who were without had drawn a ditch all round the enemy, and fenced it with their stakes; and now they left their work, and began to take part in the battle. Then the Æquians saw that there was no hope, and they began to ask for mercy. Lucius answered, "Give me Gracchus and your other chiefs bound, and then I will set two spears upright in the

as it had brought the Roman army from Rome to Algidus between sunset and midnight, though each soldier had to carry his baggage and twelve stakes besides, so it made Cincinnatus reconnoitre the enemy as soon as he arrived in their neighbourhood, without considering that on its own showing his arrival took place at midnight.

ground, and I will put a third spear across, and you shall give up your arms, and your cloaks, and shall pass every man of you under the spear bound across, as under a yoke, and then you may go away free." This was done accordingly; Gracchus and the other chiefs were bound, and the Æquians left their camp to the Romans, with all its spoil, and put off their cloaks, and passed each man under the yoke, and then went home full of shame.

But Lucius would not suffer[40] the consul's army to have any share of the spoil, nor did he let the consul keep his power, but made him his own under-officer, and then marched back to Rome. Nor did the consul's soldiers complain, but they were rather full of thankfulness to Lucius for having rescued them from the enemy, and they agreed to give him a golden crown; as he returned to Rome, they shouted after him, and called him their protector and their father.

Lucius marches back to Rome in triumph.

Great was now the joy in Rome, and the senate decreed that Lucius should enter the city in triumph, in the order in which the army was returning from Algidus, and he rode in his chariot, while Gracchus and the chiefs of the Æquians were led bound before him; and the standards were borne before him, and all the soldiers laden with their spoil followed behind. And tables were set out at the door of every house with meat and drink for the soldiers, and they and the people feasted together, and followed the chariot of Lucius with singing and great rejoicings. Thus the gods took vengeance upon Gracchus and

[40] Livy, III. 29.

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the Æquians; and thus Lucius delivered the consul and his army: and all was done so quickly, that he went out on one evening, and came home the next day at evening victorious and triumphant.

General state of the wars between the Romans and the Opican nations at the end of the third century of Rome.

This famous story is placed by the annalists in the year of Rome 296, thirteen years after the passing of the Publilian law. In such a warfare as that of the Romans with the Æquians and Volscians, there are always sufficient alternations of success to furnish the annalists on either side with matter of triumph; and by exaggerating every victory, and omitting or slightly noticing every defeat, they form a picture such as national vanity most delights in. But we neither can, nor need we desire to correct and supply the omissions of the details of the Roman historians: it is enough to say, that at the close of the third century of Rome, the warfare which the Romans had to maintain against the Opican nations was generally defensive: that the Æquians and Volscians had advanced from the line of the Apennines and established themselves on the Alban hills, in the heart of Latium: that of the thirty Latin states which had formed the league with Rome in the year 261, thirteen[41] were now either destroyed or were in the

[41] Carventum, Circeii, Corioli, Corbio, Cora, Fortona, (if it be the same with Ortona,) Lavici, Norba, Pedum, Satricum, Setia, Tolina, and Velitræ. Carventum seems to have been one of the towns of the Alban hills, and Niebuhr suggests that we should read Κορυεντανοὶ instead of Κοριολανοὶ in Dionysius, VIII. 19, as the people conquered by Coriolanus; for they are placed in the neighbourhood of Corbia and Pedum; whereas the conquest of the real Coriolani is mentioned in another place, (VIII. 16,) and in their proper neighbourhood. Sir W. Gell supposes Carventum to have been at Roca Massimi, a high point on the Volscian highlands near Cora.

possession of the Opicans: that on the Alban hills themselves Tusculum alone remained independent; and that there was no other friendly city to obstruct the irruptions of the enemy into the territory of Rome. Accordingly, that territory was plundered year after year, and whatever defeats the plunderers may at times have sustained, yet they were never deterred from renewing a contest which they found in the main profitable and glorious. So greatly had the power and dominion of Rome fallen since the overthrow of the Monarchy. We have now to notice her wars with another enemy, the Etruscans; and to trace on this side also an equal decline in glory and greatness since the reigns of the later kings.

Another supposition, as Mr. Bunsen informs me, places it on Monte Ariano: the highest eastern point of that volcanic range of mountains of which Monte Cavo is the most western point. But nothing is really known on the question.

CHAPTER XII.

WARS WITH THE ETRUSCANS—VEII—LEGEND OF THE SLAUGHTER OF THE FABII AT THE RIVER CREMERA.

"Our hands alone
Suffice for this;—take ye no thought for it.
While the mole breaks the waves, and bides the tempest,
The ship within rides safe: while on the mountain
The wind is battling with the adventurous pines,
He stirs no leaf in the valley. So your state,
We standing thus in guard upon the border,
Shall feel no ruffling of the rudest blast
That sweeps from Veii."

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Beginning of hostilities with Veii.

AFTER the great war of king Porsenna, the Etruscans for several years appear to have lived in peace with the Romans; and in the famine of the year 262, when the enmity of the Volscians would allow no supplies of corn to be sent to Rome from the country on the left bank of the Tiber, the Etruscan cities, we are told[1], allowed the Romans to purchase what they wanted, and the corn thus obtained was the principal support of the people. But nine years afterwards, in 271, a war broke out, not with the

[1] Livy, II. 34.

Etruscans generally, but with the people of the neighbouring city of Veii. The quarrel is said[2] to have arisen out of some plundering inroads made by the Veientian borderers upon the Roman territory; but it suited the Roman aristocracy at this period to involve the nation in foreign contests[3], in order to prevent the commons from insisting on the due execution of Cassius' agrarian law; and quarrels which at another time might easily have been settled, were now gladly allowed to end in open war.

Situation and size of Veii.

Veii[4] lay about ten miles from Rome, between two small streams which meet a little below the city, and run down into the Tiber, falling into it nearly opposite to Castel Giubileo, the ancient Fidenæ. Insignificant in point of size, these little streams, however, like those of the Campagna generally, are edged by precipitous rocky cliffs, and thus are capable of affording a natural defence to a town built on the table-land above and between them. The space enclosed by the walls of Veii was equal to the extent[5] of Rome itself, so long as the walls of Servius Tullius were the boundary of the city: the citadel stood on a distinct eminence, divided by one of the little streams from the rest of the town, and defended by another similar valley on the other side. In the magnificence of its public and private build-

[2] Dionysius, VIII. 81. 91.

[3] Dionysius, VIII. 81. Dion Cassius, Fragm. Vatican, XX.

[4] See Sir W. Gell's Map of the Campagna.

[5] Dionysius compares the size both of Rome and Veii with that of Athens, II. 54. IV. 13. Sir W. Gell told me that the traces of the walls of Veii, which he had clearly made out, quite justified the comparison of Veii in point of extent with Rome. And his map shows the same thing.

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ings Veii is said to have been preferred by the Roman commons to Rome[6]: and we know enough of the great works of the Etruscans to render this not impossible; but the language is too vague to be insisted on; and the Etruscan Veii was as unknown to the Roman annalists as to us. On the other hand, Rome had itself been embellished by Etruscan art, and had been under its kings the seat of a far mightier power than Veii.

Its government.

The government of Veii, like that of the other Etruscan cities, was in the hands of an aristocracy of birth, one or more of whom were elected annually by the whole body to command in war and administer justice. There were no free commons; but a large population of serfs or vassals, who cultivated the lands of the ruling class. In wars of peculiar importance[7], we read from time to time of the appoint-

[6] Livy, V. 24. Urbem quoque urbi Romæ vel situ vel magnificentiâ publicorum privatorumque tectorum ac locorum præponebant. This being no more than an expression of opinion ascribed to the commons, we cannot be sure that Livy had any authority for it at all, any more than for the language of his speeches. But supposing that he found it in some one of the older annalists, still it can hardly be more than the expression of that annalist's opinion, grounded possibly upon some tradition of the splendour of Veii, but possibly also upon nothing more than the fact that the Roman commons were at one time anxious to remove to Veii. And if the Roman commons had actually said that Veii was a finer city than Rome, when they were extolling its advantages, is such an assertion to be taken as an historical fact, to justify us in passing a judgment as to the comparative magnificence of the two cities?

[7] Livy, V. 1. His words, "Tædio annuæ ambitionis regem creavêre," imply that the government was commonly exercised by one or more magistrates annually chosen, like the consuls at Rome. Niebuhr refers to the case of Lars Tolumnius, who had been king of Veii thirty-four years before the time of which Livy is speaking; and he thinks that Livy is mistaken, in supposing the appointment of a king in the last war with Rome to have been any thing

ment of a king, but his office was for life only, and was not perpetuated in his family. The hereditary principle prevailed, however, in the priesthoods; none but members of one particular family could be priests of Juno[8], the goddess especially honoured at Veii. CHAP. XII.

Character of its military force.

The Veientians, like the other Etruscans, fought in the close order[9] of the phalanx; their arms being the small round shield, and the long pike. We know not whether they ventured, like the Parthians, to trust their serfs with arms equal to their own, and to enrol them in the phalanx; but we may more probably suppose that they employed them only as light-armed troops; and if this were so, their armies must have encountered the Romans at a disadvantage, their regular infantry being probably inferior in numbers to the legions, and their light troops, except for desultory warfare, still more inferior in quality. To make up for this, they employed the services of mercenaries, who were generally to be hired from one or other of the states of Etruria, even when their respective countries refused to take part publicly in the quarrel.

unusual. (Vol. I. p. 128, 2nd ed. note 344.) But we read of no king after Lars Tolumnius till the period of the last war, nor of any before him in the earlier wars with Rome. And as the lucumo, or chief magistrate of a single Etruscan city, was appointed sometimes chief over the whole confederacy, when any general war broke out; so the annual lucumo may have been made lucumo for life in times of danger, if he were a man of commanding character and ability.

[8] Livy, V. 22.

[9] Diodorus, Fragm. Vatican, Lib. XXIII. Τυρρηνοὶ χαλκαῖς ἀσπίσι φαλαγγομαχοῦντες, for so we must correct the reading φάλαγγα μαχοῦντες, just as a little below in the same passage we read σπειραῖς, i. e. cohortibus, or manipulis, instead of πειραῖς, which Mai absurdly renders "cuspidibus."

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Outline of the war from 271 to 280.

The war between the Romans and Veientians, which began in the year 271, lasted nine years. It is difficult to say what portion of the events recorded of it is deserving of credit; nor would the details[10] at any rate be worth repeating now. But it seems to have been carried on with equal fortune on both sides, and to have been ended by a perfectly equal treaty. The Romans established themselves on the Cremera, within the Veientian territory, built a sort of town there, and after having maintained their post for some time, to the great annoyance of the enemy, they were at last surprised and their whole force slaughtered, and the post abandoned. Then the Veientians in their turn established themselves on the hill Janiculum, within the Roman territory; retaliated, by their plundering excursions across the Tiber, the damage which their own lands had sustained from the post on the Cremera; held their ground for more than a year, and then were in their turn defeated, and obliged to evacuate their conquest. Two years afterwards, in 280, a peace was concluded between the two nations, to last for forty years; and as the Roman historians name no other stipulations, we may safely believe that the

[10] The Roman accounts of the war may be found in Livy, II. 42—54, and in Dionysius, VIII. 81. 91. IX. 1—36. I imagine that the post on the Cremera and that on the Janiculum to have been designed for permanent cities; the one probably being as near to Veii as the other was to Rome. These were exactly the ἐπιτειχίσματα of the Greeks, when executed on a larger scale as rival cities, and not mere forts. I may perhaps be allowed to refer to my note on Thucydides, I. 142, where the two kinds of ἐπιτείχισμα are distinguished.

treaty[11] merely placed matters on the footing on which they had been before the war; the Romans gave up all pretensions to the town which they had founded on the Cremera; the Veientians equally resigned their claim to the settlement which they had made on the hill Janiculum.

STORY OF THE FABII.

But whatever may be thought of the history of this war, it has been the subject of one memorable legend, the story of the self-devotion of the Fabii, and of their slaughter by the river Cremera. The truth of domestic events, no less than of foreign, has been probably disregarded by this legend; and what seems a more real account of the origin of the settlement on the Cremera, has been given in a former chapter. The story itself, however, I shall now, according to my usual plan, proceed to offer in its own form.

The Fabian house offers to take the war with the Veientians wholly upon itself.

The Veientians dared not meet the Romans[12] in the open field, but they troubled them exceedingly with their incursions to plunder the country. And on the other side, the Æquians and the Volscians were making war upon the Romans year after year; and while one consul went to fight with the Æquians

[11] Niebuhr supposes that the septem pagi, which the Romans had lost in the war with Porsenna, were at this time recovered. But if so, the annalists would surely have boasted of the cessions of territory made by the Veientians, even if they had been consistent enough not to describe the country recovered as the very same which they had made Porsenna restore out of generosity more than thirty years before. Is there any reason to believe that the Romans advanced their frontier, on the right bank of the Tiber opposite Rome, beyond the hills which bound the valley of the river, previously to their conquest of Veii?

[12] Livy, II. 48, et seqq.

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and the other with the Volscians, there was no one to stop the plunderings of the Veientians. So the men of the Fabian house consulted together, and when they were resolved what to do, they all went to the senate-house. And Kæso Fabius, who was consul for that year, went into the senate, and said, "We of the house of the Fabii take upon us to fight with the Veientians. We ask neither men nor money from the Commonwealth, but we will wage the war with our own bodies at our own cost." The senate heard him joyfully: and then he went home, and the other men of his house followed him; and he told them to come to him the next day, each man in his full arms; and so they departed.

The Fabii establish themselves on the river Cremera.

The house of Kæso was on the Quirinal hill; and thither all the Fabii came to him the next day, as he had desired them; and there they stood in array in the outer court of his house. Kæso then put on his vest, such as the Roman generals were used to wear in battle, and came out to the men of his house, and led them forth on their way. As they went, a great crowd followed after them and blessed them, and prayed the gods for their prosperity. They were in all three hundred and six men, and they went down from the Quirinal hill, and passed along by the Capitol, and went out of the city by the gate Carmentalis, by the right hand passage of the gate. Then they came to the Tiber, and went over the bridge, and entered into the country of the Veientians, and pitched their camp by the river Cremera; for there it was their purpose to dwell, and to make

it a stronghold, from which they might lay waste the lands of the Veientians, and carry off their cattle. So they built their fortress by the river Cremera, and held it for more than a year; and the Veientians were greatly distressed, for their cattle and all their goods became the spoil of the Fabians.

The Veientians lay an ambush for them, and kill them all.

But there was a certain day [13] on which the men of the house of the Fabians were accustomed to offer sacrifice and to keep festival together to the gods of their race, in the seat of their fathers on the hill Quirinal. So when the day drew near, the Fabians set out from the river Cremera, three hundred and six men in all, and went towards Rome; for they thought that as they were going to sacrifice to their gods, and as it was a holy time, and a time of peace, no enemy would set upon them. But the Veientians knew of their going, and laid an ambush for them on their way, and followed them with a great army. So when the Fabians came to the place where the ambush was, behold the enemy attacked them on the right and on the left, and the army of the Veientians that followed them fell upon them from behind; and they threw their darts and shot their arrows against the Fabians, without daring to come within reach of

[13] This latter part of the story is one of the versions of it given by Dionysius, which he rejects as improbable. Of course I am not maintaining its probability, but I agree with Niebuhr in thinking it a far more striking story than that which Dionysius prefers to it, and which has been adopted by Livy and by Ovid. The devotion of the Fabians to the sacrifices of their house on the Quirinal, was a part of their traditional character; a similar story was told of C. Fabius Dorso, who broke out from the Capitol while the Gauls were besieging it, and made his way to the Quirinal hill to perform the appointed sacrifice of his house.

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spear or sword, till they slew them every man. Three hundred and six men of the house of the Fabians were there killed, and there was not a grown man of the house left alive: one boy only on account of his youth had been left behind in Rome, and he lived and became a man, and preserved the race of the Fabians; for it was the pleasure of the gods that great deeds should be done for the Romans by the house of the Fabians in after-times.

CHAPTER XIII.

INTERNAL HISTORY — THE TERENTILIAN LAW — APPOINTMENT OF THE TEN HIGH COMMISSIONERS TO FRAME A CODE OF WRITTEN LAWS.—A.U.C. 284-303.

Ὀλιγαρχία δὲ τῶν μὲν κινδύνων τοῖς πολλοῖς μεταδίδωσι, τῶν δ' ὠφελίμων οὐ πλεονεκτεῖ μόνον, ἀλλὰ καὶ ξύμπαν ἀφελομένη ἔχει· ἃ ὑμῶν οἵ τε δυνάμενοι καὶ οἱ νέοι προθυμοῦνται, ἀδύνατα ἐν μεγάλῃ πόλει κατασχεῖν.

THUCYDIDES, VI. 39.

Τέταρτον εἶδος ὀλιγαρχίας, ὅταν παῖς ἀντὶ πατρὸς εἰσίῃ, καὶ ἄρχῃ μὴ ὁ νόμος ἀλλ' οἱ ἄρχοντες. Καὶ ἔστιν ἀντίστροφος αὕτη ἐν ταῖς ὀλιγαρχίαις, ὥσπερ ἡ τύραννις ἐν ταῖς μοναρχίαις, καὶ περὶ ἧς τελευταίας εἴπομεν δημοκρατίας ἐν ταῖς δημοκρατίαις.—ARISTOTLE, Politic. IV. 5.

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NOTHING is more unjust than the vague charge sometimes brought against Niebuhr, that he has denied the reality of all the early history of Rome. On the contrary, he has rescued from the dominion of scepticism much which less profound inquirers had before too hastily given up to it; he has restored and established far more than he has overthrown. Ferguson finds no sure ground to rest on till he comes to the second Punic war: in his view, not only the period of the kings and the first years of the Commonwealth, but the whole of two additional centuries,—not only the wars with the Æquians and Volscians, but those with the Gauls, the Samnites, and even with Pyrrhus,

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—are involved in considerable uncertainty. The progress of the constitution he is content to trace in the merest outline; particular events, and still more particular characters, appear to him to belong to poetry or romance rather than to history. Whereas Niebuhr maintains that a true history of Rome, with many details of dates, places, events, and characters, may be recovered from the beginning of the Commonwealth. It has been greatly corrupted and disguised by ignorant and uncritical writers, but there exist, he thinks, sufficient materials to enable us, not only to get rid of these corruptions, but to restore that genuine and original edifice which they have so long overgrown and hidden from our view. And accordingly, far from passing over hastily, like Ferguson, the period from the expulsion of Tarquinius to the first Punic war, he has devoted to it somewhat more than two large volumes; and from much, that to former writers seemed a hopeless chaos, he has drawn a living picture of events and institutions, as rich in its colouring, as perfect in its composition, as it is faithful to the truth of nature.

Were I indeed to venture to criticise the work of this great man, I should be inclined to charge him with having overvalued rather than undervalued the possible certainty of the early history of the Roman Commonwealth. He may seem in some instances rather to lean too confidently on the authority of the ancient writers, than to reject it too indiscriminately. But let no man judge him hastily, till by long experience in similar researches, he has learnt to esti-

mate sufficiently the instinctive power of discerning truth, which even ordinary minds acquire by constant practice. In Niebuhr, practice, combined with the natural acuteness of his mind, brought this power to a perfection which has never been surpassed. It is not caprice, but a most sure instinct, which has led him to seize on some particular passage of a careless and ill-informed writer, and to perceive in it the marks of most important truth; while on other occasions he has set aside the statements of this same writer, with no deference to his authority whatever. To say that his instinct is not absolutely infallible, is only to say that he was a man: but he who follows him most carefully, and thinks over the subject of his researches most deeply, will find the feeling of respect for his judgment continually increasing, and will be more unwilling to believe what Niebuhr doubted, or to doubt what he believed.

I have said thus much as a preface to the ensuing chapter, in which I am to trace the internal history of Rome, from the passing of the Publilian law to the appointment of the decemvirs. The detail itself will show how little Niebuhr has deserved to be charged with overthrowing the Roman history; while, on the other hand, if I have followed him even on ground on which, had he not pronounced it to be firm, I might myself have feared to venture, I have done it, not in blind or servile imitation, but in the reasonable confidence inspired by experience. For many years I had doubted and disputed Niebuhr's views on several points of importance, but having

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had reason at last to be convinced that they were right, I feel for him now a deference the more unhesitating, as it was not hastily given, nor without inquiry.

A.U.C. 283. A.C. 469. Campaign of Appius Claudius against the Æquians and Volscians.

Immediately after the passing of the Publilian law [1], the consuls took the field against the Æquians and Volscians. It was now the period when those two nations were pressing most dangerously upon Latium, not only overruning the territory both of the Latins and Romans with their plundering incursions, but taking or destroying the cities of the Latin confederacy. There was no choice therefore but to oppose them; and thus the hated Appius Claudius, as well as his colleague, T. Quinctius, led out an army from the city. But the mutual suspicion and hatred between him and the commons was so great that they could not act together. He was tyrannical, and his soldiers became discontented and disobedient: in this temper they met the Volscians and were beaten; and Appius, finding it hopeless to continue the campaign, began to retreat towards Rome. On his retreat he was again attacked and again beaten; the soldiers, it is said, throwing away their arms and flying at the first onset. Thus doubly embittered by the shame of his defeats, and having obtained some colour for his vengeance, Appius, as soon as he had rallied his army on ground out of the reach of the enemy, proceeded to indulge his old feelings of hatred to the commons. By the aid of the Latin and Hernican troops who were present in the

[1] Livy, II. 58, 59. Dionysius, IX. 50.

army, and above all of the Roman burghers, who formed the best armed and best trained part of his own forces, he was enabled to seize and execute every centurion whose century had fled, and every standard-bearer who had lost his standard, and then to put to death one out of every ten men of the whole multitude of legionary soldiers.

Appius is brought to trial. Different accounts of his subsequent fate.

The maintenance of military discipline, by whatever degree of severity it was effected, was regarded by the Romans, not as a crime, but as a sacred duty; nor would even the commons have complained of Appius for simply punishing with rigour his cowardly or mutinous soldiers. But when new consuls were come into office, L. Valerius and T. Æmilius[2], and both showed themselves inclined to carry into effect the agrarian law of Sp. Cassius, while Appius still opposed it, and was most forward in defeating the measure, then two of the tribunes, M. Duilius and C. Sicinius[3], brought him to trial before the commons as the perpetual enemy of their order; accusing him of giving evil counsels to the senate, of having laid violent hands on the sacred person of a tribune in the disputes about the Publilian law, and lastly, of having brought loss and shame on the Commonwealth, by his ill conduct in his late expedition against the Volscians. His bloody executions were

A.U.C. 284. A.C. 468.

[2] Livy, II. 61. Dionysius, IX. 51—54.

[3] These were two of the tribunes elected when the Publilian law was passed. The tribunes and consuls came into office, it should be remembered, at different times of the year; the consuls at this period began their year on the first of August (Livy, III. 6); when the tribunes began theirs, before the decemvirate, is uncertain. See Niebuhr, Vol. ii. p. 227, and note 492. 2nd edit.

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not charged as a crime against him; but every friend or relation of his victims would feel, that he who had dealt such severe justice to others, could claim no mitigation of justice towards himself; and Appius felt this also, and neither expected mercy from the commons, nor would yield to ask it. A most extraordinary difference prevails, however, in the accounts of his subsequent fate. The common story says that he died in prison before his trial, implying that he killed himself to escape his sentence; but according to the Fasti Capitolini [4], it was this same Appius who twenty years afterwards became decemvir; and we must suppose, therefore, that he now fled from Rome, and lived for some years in exile at Regillus, till circumstances enabled him to return, and to take part in public affairs once more.

A.U.C. 285. A.C. 467. Antium and its port taken by the Romans.

The two following years were marked [5] by continued contests about the agrarian law of Cassius, which still led to no result. The fortune of war, however, gave some relief to the necessities of the poorer commons: for in the year 285, the port [6] of

[4] It had been long known that the Fasti called Appius the decemvir, "Ap. F. M. N." "Appii Filius, Marci Nepos;" whereas the common story makes him the grandson, as well as the son of an Appius. But one of the recently-discovered fragments of the Fasti calls the decemvir, under the year 302, "Appius Claudius, Ap. F. M. N. Crassin. Regill. Sabinus, II." clearly showing that by calling the consulship of 302 his second consulship, the author of the Fasti considered him to be the same man who had been consul in 283.

[5] Livy, II. 63—65. Dionysius, IX. 56—58.

[6] Livy calls this place, Ceno: the Antiates it seems already had begun the piracies, of which Demetrius Poliorcetes complained long afterwards to the Romans; and the merchandize taken by the Romans was partly, it is said, obtained in this manner, probably from the Carthaginians. The situation of Ceno is unknown: Strabo speaks of Antium itself as

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Antium was taken, and a quantity of merchandize was found there which was all given up to the soldiers; and the year following Antium itself fell into the hands of the Romans; and on this occasion also the soldiers derived some profit from their conquest.

A.U.C. 286. A.C. 466.

In the year 287, Ti. Æmilius, one of the consuls, supported the demand of the tribunes for the execution of the agrarian law; and we are told that the senate[7], in order to pacify the commons by a partial compliance, proposed to send a colony to Antium, and to allow the commons as well as the burghers to enrol themselves amongst the colonists. But as the colony was to consist equally of Romans[8], Latins, and Hernicans, and would be placed in a position of great insecurity, being in fact no other than a garrison which would have at once to keep down the old population of the city within, and to defend itself against enemies without, the relief thus offered to the commons was neither very considerable in its amount, nor in its nature very desirable.

Severe visitations of pestilence.

The next year began a period of distress and suffering so severe, and arising from such various causes, that political disputes were of necessity suspended, and for four years no mention is made of any demands for the agrarian law, or of any other proceeding of the tribunes. The middle of the fifth century before the Christian æra was one of those periods in the history of mankind which, from causes to us

being without a harbour, as standing high upon cliffs.

[7] Livy, III. 1.

[8] Dionysius, IX. 59.

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unknown, have been marked by the ravages of pestilence; when a disease of unusual virulence has in a manner travelled up and down over the habitable world during the space of twenty, thirty, or even fifty years; returning often to the same place after a certain interval; pausing sometimes in its fury, and appearing to sleep, but again breaking out on some point or other within its range, till, at the end of its appointed period, it disappears altogether. Rome was first visited by one of these pestilences, as has been already mentioned, in the year 282, when it caused a very great mortality; it now returned again in 288[9], and crippled the operations of the Roman army against the Æquians. Whether it continued in the following year is uncertain, but the Æquians plundered the Roman territory with great success; and although the Roman annalists pretend that towards the end of the year the consul, Q. Fabius, cut off the main body of the plunderers, and then in turn ravaged the lands of the enemy, yet it is manifest that the campaign was on the whole unfavourable to the Romans. So it was the next year also: the united forces of the Romans, Latins, and Hernicans, could not prevent the total ravaging of the Roman territory; and the crowding[10] of the fugitives from the country into the city was a cause or an aggravation of the return of the pestilence, which broke out again in the autumn, soon after the appointment of the consuls for the year 291, with

A.U.C. 289. A.C. 463.

[9] Livy, III. 2.

[10] Livy, III. 6.

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unparalleled fury. During the whole of this fatal year, the Romans were dying by thousands within the city, while the Æquians and Volscians were ravaging the whole country without opposition, and defeated with great loss the Latins and Hernicans, who vainly attempted to defend the territory of their allies and their own. At last the pestilence abated, and the new consuls, in the autumn of 292 [11], took the field, and made head against the enemy with some effect. Immediately on this first gleam of better times, the political grievances of the commons began again to excite attention and to claim redress.

A.C. 460.

First proposal of the Terentilian law.

We are told that one of the tribunes [12] again brought forward the question of the agrarian law; but that the commons themselves refused to entertain it, and resolved to put it off till a more favourable opportunity. This is ascribed by Dionysius to the zeal which all orders felt to take vengeance on their foreign enemies; but he forgets that another measure, no less obnoxious to the burghers, was brought forward in this year, and readily received by the commons: and the better explanation is, that the leaders of the commons began to see that they must vary their course of proceeding; that to contend for the agrarian law under the actual constitution, was expecting fresh and pure water from a defiled spring; the real evil lay deeper, and the com-

[11] Livy, III. 8.

[12] Dionysius, IX. 69. The name of the tribune is corrupt, Σέξτου Τίτου; Gelenius proposes to read Τιτίου.

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mons must obtain equal rights and equal power with the burghers, before they could hope to carry such measures as most concerned their welfare. Accordingly, Caius Terentilius[13] Harsa, one of the tribunes, proposed a law for a complete reform of the existing state of things. Its purport was that[14] ten commissioners should be chosen, five by the commons and five by the burghers, and that those so chosen should draw up a constitution, which should define all points of constitutional, civil, and criminal law; and should thus determine, on just and fixed principles, all the political, social, and civil relations of all orders of the Roman people.

Actual grievances of the commons.

Now, as a popular cry for reform has never originated in the love of abstract justice, or in the mere desire of establishing a perfect form of government, but has been always provoked by actual grievances, and has looked especially for some definite and particular relief, so the Roman commons, in supporting

[13] Livy, III. 9. Niebuhr writes the tribune's name "Terentilius," according to some of the best MSS. of Livy. Dionysius calls him "Terentius."

[14] Livy speaks only of five; Dionysius of ten: Niebuhr reconciles the two statements in the manner given in the text.

These "high commissioners," "Decemviri legibus scribendis," were like the Greek *νομοθέται*, or in the language of Thucydides (VIII. 67) which exactly expresses the object of the Terentilian law, *δέκα ἄνδρας ἑλέσθαι ξυγγραφέας αὐτοκράτορας καθ' ὅ τι ἄριστα ἡ πόλις οἰκήσεται*. We are so accustomed to distinguish between a constitution and a code of laws, that we have no one word which will express both, or convey a full idea of the wide range of the commissioners' powers: which embraced at once the work of the French constituent assembly, and that of Napoleon when he drew up his code. But this comprehensiveness belonged to the character of the ancient *lawgivers*; a far higher term than *legislators*, although etymologically the same; they provided for the whole life of their citizens in all its relations, social, civil, political, moral, and religious.

the Terentilian law, were moved by certain practical evils, which lay so deep in the existing state of things, that nothing else than a total reform of the constitution could remove them. These were, the extreme separation and unequal rights of the burghers and the commons, the arbitrary powers of the consuls, and the uncertainty and variety of the law; evils which affected every part of men's daily life: and the first of them in particular was a direct obstacle to that execution of Cassius' agrarian law, on which the actual subsistence of the poorer commons after the late times of misery and ruin might be said to depend.

Their original political condition was not suitable to their altered circumstances.

Society has almost always begun in inequality, and its tendency is towards equality. This is a sure progress; but the inequality of its first stage is neither unnatural nor unjust; it is only the error of preserving instead of improving which has led to injustice; the folly of thinking that men's institutions can be perpetual, when every thing else in the world is continually changing. When the conquered Latins were first brought to Rome by those who were then the only Roman citizens, when they were allowed to retain their personal liberty, to enjoy landed property, and to become so far a part of the Roman people, it was not required that they should at once pass from the condition of foreigners to that of perfect citizens; the condition of commons was a fit state of transition from the one rank to the other. But after years had passed away, and both they and their original conquerors were in fact become one

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people; above all, when this truth had been already practically acknowledged by the constitution of Servius Tullius; to continue the old distinctions was but provoking a renewal of the old hostility: if the burghers and the commons were still to be like two nations, the one sovereign and the other subject, the commons must retain the natural right of asserting their independence on the first opportunity, of wholly dissolving their connexion with those who refused to carry it out to its full completion. That their desire was for complete union, rather than for independence, arose, over and above all other particular causes, from that innate fondness for remaining as we are, which nothing but the most intolerable misery can wholly eradicate.

Means adopted by the burghers to oppose the Terentilian law. Impeachment of Kæso Quinctius.

The burghers resolved to resist the Terentilian law, but they wished apparently, as in the case of the Publilian laws, to prevent its being passed by the commons in their tribes, rather than to throw it out in their own assembly of the curiæ or in the senate. Accordingly, they again proceeded by an organized system of violence: the younger burghers were accustomed to have their brotherhoods or clubs, like the young men of the aristocratical party in Athens; the members of these clubs were ready to dare any thing for the support of their order, and being far more practised in martial exercises than the commons, were superior in activity if not in actual strength, and, by acting in a body, repeatedly interrupted all business, and drove their antagonists from the forum. At the head of these systematic

rioters was Kæso Quinctius[15], the son of the famous L. Quinctius Cincinnatus; and he made himself so conspicuous, that A. Virginius, one of the tribunes, impeached him before the assembly of the tribes, and named a day on which he was to appear to answer to the charge.

Of the Icilian law, on which his impeachment was grounded.

This is the fifth instance of impeachment by the tribunes, which we have met with in the course of fifteen years, besides the famous case of Coriolanus. The right in the present case was grounded on the Icilian law, brought forward by a tribune, Sp. Icilius, which I have not noticed before, because the time at which it passed is doubted. Dionysius, who alone mentions it, places[16] it as early as the year 262, in the year after the first appointment of the tribunes; while Niebuhr thinks that it could not have been earlier than the year 284, and that it was one of the consequences of the success of the Publilian laws. It established the important point, that if any burgher interrupted a tribune when speaking to the commons in their own assembly, the tribune might impeach him before the commons, and might require him to give sureties to such an amount as the accuser should think proper; if he refused to give security, he was to be put to death and his property confiscated; if he demurred to the amount of the sum required, this question also was to be tried by the commons. The great object in this law was to assert the jurisdiction of the commons over a bur-

[15] Livy, III. 11. Dionysius, X. 4, 5. [16] Dionysius, VII. 17.

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gher; hence the severity of the punishment if the accused refused to give the required security; he was then to be put to death as an open enemy; but if he complied, and appeared to answer to the charge, the ordinary sentence for a mere interruption of the business of the assembly of the tribes would probably be no more than a fine; and this seems to have caused the confusion of Dionysius' statement, for he represents the sureties as required, not for the accused person's appearance at his trial, but for his payment of such a fine as the tribunes might impose, as if the sentence could in no case exceed a fine. Whereas the case of Appius Claudius, as well as that of Kæso, prove the contrary; and of Kæso, Livy says[17] expressly that the tribune impeached him for a capital offence, before the alleged charge of murder was brought against him. In fact, where there is no fixed criminal law, awarding certain punishments for certain offences, the relation of judge implies a power of deciding not only as to the guilt or innocence of the prisoner, but also as to the degree of his guilt, and the nature of the punishment to be inflicted. And much more would this be the case when the judgment was exercised, not by an individual magistrate, but by the sovereign society itself.

Kæso goes into exile before his trial.

According to the Icilian law, the tribune called upon Kæso Quinctius to give sureties for his appearance, and the amount of the security required was heavy; he was to find ten sureties[18] at three thou-

[17] "A. Virginius Kæsoni capitis diem dicit." III. 11.

[18] Livy, III. 13.

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and asses each. But in the mean time a witness, M. Volscius Fictor, who had been tribune some years before, came forward to charge Kæso with another and a totally distinct crime. "During the time of the plague," he said, "he and his brother, a man advanced in years, and not completely recovered from an attack of the pestilence, had fallen in with Kæso and a party of his club in all the licence of riot in the Suburra. An affray had followed, and his brother had been knocked down by Kæso: the old man had been carried home, and died, as he thought, from the injury; but the consuls had every year refused to listen to his complaint, and try the offender." Outrages of this sort on the part of the young aristocracy were common even at Athens[19]; in aristocratical states they must have been far more frequent; and in all ordinary cases there is a sympathy with youth and birth, even amongst the people themselves, which is against any severe dealing with such excesses. But Kæso's offence was gross, and seemed to belong to his general character; the commons were indignant to the highest degree at this new crime, and could scarcely be prevented from tearing the offender to pieces. Even the tribune thought that no money security was sufficient when the charge was so serious; the body of the accused must be kept safe in prison that he might abide the sentence of the law. But some of the other tribunes were

[19] See the well-known speech of Demosthenes against Midias, and also the speech against Conon. See too the stories told in Plutarch of the manifold excesses of Alcibiades.

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prevailed on by the powerful friends of the criminal to extend to him their protection; they forbade the attachment of his person. Being thus left at large, he withdrew from justice, and fled across the Tiber into Etruria before his trial came on[20]. His relations, by whose influence justice had been thus defrauded, paid the poor compensation of their forfeited bail; and even here the punishment would not fall on the guilty; for when a burgher was fined, his clients were bound to contribute to discharge it for him.

Conspiracy to effect his return.

Kæso's flight provoked his associates to dare the last extremities. From mere rioters they became conspirators; and they played their game deeply. Still continuing their riots whenever the assembly of the tribes met, but taking care that no one of their body should be especially conspicuous, they on all other occasions[21] endeavoured to make themselves popular: they would speak civilly to the commons, would talk with them, and ask them to their houses, well knowing how readily the poor and the humble are won by a little attention and liberality on the part of the rich and noble. Meanwhile, a darker plot was in agitation: Kæso held frequent communication with them; he had joined himself to a band of exiles and runaway slaves from various quarters, such as abounded in Italy then no less than in the middle ages: with this aid he would surprise the Capitol by night, his associates would rise and massacre the tribunes and the most obnoxious of the

[20] Livy, III, 13.

[21] Livy, III. 14.

commons, and thus the old ascendancy of the burghers would be restored, such as it had been before the fatal concessions made at the Sacred Hill.

Such was the information which the tribunes, according to Dionysius[22], laid before the senate, soon after Kæso's flight from Rome. From what annalist he copied this statement does not appear; but Livy, who has followed some author far more partial to the Quinctian family, makes no mention of it, although it is really essential to the right understanding of his own subsequent narrative. For in the next year, according to the accounts of both Livy and Dionysius[23], the Capitol was surprised by night by a body of slaves and exiles, and the leader of the party made it his first demand that all Roman exiles should be restored to their country. The burghers had great difficulty in persuading the commons to take up arms; till at last the consul P. Valerius prevailed with them, and relying on his word that he would not only allow the tribunes to hold their assembly for the consideration of the Terentilian law, but would do his best to induce the senate and the curiæ to give their consent to it, the commons followed him to the assault of the Capitol. He himself was killed in the onset; but the Capitol was carried, and all its defenders either slain on the spot, or afterwards executed.

The leader of this desperate band is said to have been a Sabine, Appius Herdonius; and in the story

[22] Dionysius, X. 10, 11. [23] Livy, III. 15. Dionysius, X. 14—16.

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of the actual attempt, the name of Kæso is not mentioned. But we hear in general terms[24] of Roman exiles, whom it was the especial object of the enterprize to restore to their country; and we may be sure that Kæso was one of them. Appius Herdonius was probably a Sabine adventurer in circumstances like his own, whom he persuaded to aid him in his attempt. Had we the real history of these times, we should find in all likelihood that the truth in the stories of Kæso and Coriolanus has been exactly inverted; that the share of the Roman exile in the surprise of the Capitol has been as unduly suppressed, as that of the Roman exile in the great Volscian war has been unduly magnified; that Kæso's treason has been transferred to Appius Herdonius, while the glory of the Volscian leader, Attius Tullius, has been bestowed on Coriolanus.

L. Quinctius, the father of Kæso, opposes the Terentilian law vehemently.

The burghers, as a body, would certainly be opposed, both from patriotic and selfish motives, to the attempt of Kæso; an exile forcing his return by the swords of other exiles, and seizing the citadel, was likely to set himself up as a tyrant alike over the burghers and the commons; and even his own father, L. Quinctius, would have been the first to resist him. But when he had fallen and this danger was at an end, other feelings returned; and L. Quinctius would then hate the commons with a deeper hatred, as he would ascribe to them the miserable fate of his son; Kæso's guilt, no less than his misfortune, would appear

[24] See Chap. XI. note 11.

the consequence of their persecution. So when he C
was elected consul in the room of P. Valerius, he
seemed to set no bounds to his thirst for vengeance. The promise by which Valerius had prevailed on the commons to follow him to the recovery of the Capitol was utterly disregarded; L. Quinctius[25] openly set the tribunes at defiance, told them that they should never pass their law while he was consul, and declared that he would instantly lead forth the legions into the field against the Æquians and Volscians.

The tribunes[26] represented that they would not His
allow him to enlist any as soldiers: but Quinctius
replied, that he needed no enlistment; "the men who took up arms under P. Valerius swore to assemble at the consul's bidding, and not to disband without his orders. The consul never disbanded them; and I the consul," he said, "command you to meet me in arms to-morrow at the lake Regillus." But more was said to be designed than a simple post- A.U
ponement of the Terentilian law: the augurs were to attend[27], in order to inaugurate the ground where the soldiers were to meet, and thus convert it into a lawful place of assembly; then the army in its centuries would be called upon to repeal all the laws which had been passed at Rome under the influence of the tribunes; and none would dare to oppose the consul's will, for beyond the distance of one mile from the city the tribunes' protection would be of no

[25] Livy, III. 19.
[26] Livy, III. 20.
[27] Livy, III. 20.

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avail, nor did there exist any right of appeal. More than all, Quinctius repeatedly declared that when his year of office was expired, he would name a dictator, that the tribunes might be awed by the power of a magistrate from whom there lay no appeal even within the walls of Rome.

He is prevailed upon to abandon them.

The Roman annalists who recorded these events[28] loved to believe, that in spite of all their provocations the commons so respected the sacredness of an oath, that they would have kept the letter of it to their own hurt, even when its spirit in no way bound them to obedience. They say that the tribunes and the commons felt that they could not resist as a matter of right; that they appealed[29] to the mercy of the senate, and that the senate only prevailed with the consuls to abandon their purpose of taking the field, on condition that the tribunes would promise not to bring forward the question of the law again during that year. It may be, however, that the senate knew how far they could safely tempt the patience of the tribunes; threats might be held out in order to claim a merit in abandoning them; but an actual attempt to march the legions out of the city, with the avowed purpose of making them the helpless instruments in the destruction of their own liberties, would be too bold a venture; at the last excess of insolent tyranny Nemesis would surely awake to vengeance.

[28] Livy, III. 20. Nondum hæc, quæ nunc tenet sæculum, negligentia Deum venerat: nec interpretando sibi quisque jusjurandum et leges aptas faciebat, sed suos potius mores ad ea accommodabat.

[29] Livy, III. 21.

CH
XI

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At any rate [30] it appeared that neither the tribunes nor the commons were disposed to let the Terentilian law be forgotten; for when the elections came on, the same tribunes who had already been in office for two years, were re-elected for a third year; and again began to bring forward the disputed question. But again they gave way to the pressure of foreign war; for the danger from the Æquians and Volscians was imminent: the former had surprised the citadel of Tusculum: the latter had expelled the Roman colony from Antium, and recovered that important city. After a series of operations which lasted for several months, the Æquians were dislodged from Tusculum, but Antium still remained in the possession of the Volscians.

Charg
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Volsci
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Kæso.

Thus the Terentilian law was again delayed [31]: but in the mean time the burghers, who retained a lively resentment for the fate of Kæso, were trying to establish a charge of false witness against M. Volscius, by whose testimony, as to his brother's murder, the event of Kæso's trial had been chiefly decided. The two quæstores parricidii, or chief criminal judges, proposed to impeach Volscius before the curiæ; but the tribunes refused to allow the trial to come on till the question of the law had been first decided. Thus the year passed away: but the tribunes were again, for the fourth time, re-elected.

A.U.C
A.C.

In the following year is placed the story already related of the dictatorship of L. Quinctius Cincin-

[30] Livy, III. 21—23.

[31] Livy, III. 24.

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Dictatorship of L. Quinctius. Volscius goes into exile.

natus, and his deliverance of the consul and his army, when they were blockaded by the Æquians. The continued absence[32] of the legions, which kept the field nearly the whole year, afforded the burghers a pretence for opposing the introduction of the law; but L. Quinctius availed himself of his dictatorial power to hold the comitia for the trial of Volscius in defiance of the tribunes; and the accused, feeling his condemnation to be certain, left Rome and availed himself of the interchange of citizenship between the Romans and Latins, to become a citizen of Lanuvium. The tribunes were again re-elected for a fifth time.

A.U.C. 297. A.C. 455. Increase in the number of the tribunes.

The year 297[33] was marked by the same dangers from the Æquians; and the Sabines are said in this and in the former year to have joined them, and to have carried alarm and devastation into a new part of the Roman territory, that which lay between the Tiber and the Anio. Thus the law made no progress; but the tribunes obtained an important point, that their number should henceforth be doubled. Ten tribunes were from this time forward annually elected; two from each of the five classes.

The annals have not given a full picture of the disorders of these times.

There can be no doubt that the annals of this period, as we now have them in Livy and Dionysius, present a very incomplete picture of these dissensions. The original source of the details must have been the memorials of the several great families; each successive version of these, as men's notions of their

[32] Livy, III. 29.

[33] Livy, III. 30.

early history became more and more romantic, would omit whatever seemed inconsistent with the supposed purity and nobleness of the times of their forefathers; and acts of bloody vengeance, which the actors themselves, and their immediate descendants, regarded with pride rather than compunction, as Sulla gloried in his proscriptions and recorded them on his monument, were carefully suppressed by historians of a later age. The burghers of the third and fourth centuries thought it no dishonour that their own daggers [34], or those of their faithful clients, should have punished with death the insolence and turbulence of the most obstinate of the commons; they would glory in breaking up the assemblies of their adversaries by main force, and in treating them on other occasions with all possible scorn and contumely; ejecting them from their houses [35] with a strong hand; insulting them and their families in their nightly revels, or in open day; abusing them in the streets, or besetting their doors [36] with armed slaves and carrying off their wives and daughters [37].

[34] Zonaras, VII. 17, who, as we now find, borrowed his statement from Dion Cassius. Dion's words are, οἱ εὐπατρίδαι φανερῶς μὲν οὐ πάνυ, πλὴν βραχέων, ἐπιθειάζοντές τινα, ἀντέπραττον, λάθρα δὲ συχνοὺς τῶν θρασυτάτων ἐφόνευον. Fragm. Vatic. XXII.

[35] This is implied in the "forcible occupation" noticed in the law, "de Aventino publicando."

[36] Such outrages must be alluded to in the speech ascribed to L. Quinctius, Livy, III. 19. "Si quis ex plebe domum suam obsessam a familiâ armatâ nunciaret, ferendum auxilium putaretis." The conduct of Verres at Lampsacus illustrates this; from the treatment of the provincials in the later times of the Commonwealth, we may judge of that shown to the commons at an earlier period.

[37] The famous story of Virginia cannot have been a solitary instance. Virginia was the daughter of a centurion, and betrothed to no less a man than L. Icilius, the famous proposer of the law, "de Aventino publicando." If such

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Their own houses, built mostly on the hills of Rome, which were so many separate fortresses, and always by their style of building secure at once from public notice and from attack, favoured the perpetration of all acts of violence. Others besides insolvent debtors might be shut up in their dungeons; and if hatred or fear prompted them to consign their victims to a yet surer keeping, the dungeon might readily become a grave[38], and who would dare to search for those whom it contained, whether alive or dead?

Obscure story about the burning of nine men as traitors.

One act in particular, in which its authors doubtless gloried as in a signal example of public justice, has been so concealed by the later annalists, that from the faint and confused notices of it which alone remain to us, we can neither discover its date, nor its cause, nor any of its particulars. We only know that at some time or other during the latter half of the third century of Rome, nine eminent men[39]

an outrage could be ventured against a woman of such birth and so connected, we may conceive what those of humbler condition were exposed to.

[38] The body of a murdered man was discovered to have been buried in the house of P. Sestius, a burgher, in the first year of the decemvirate. Livy, III. 33. The discovery of one such case implies that there were many others which were not discovered.

[39] Ἐννέα ποτὲ δήμαρχοι πυρὶ ὑπὸ τοῦ δήμου ἐδόθησαν. Dion Cassius, Frag. Vatic. XXII. and copied by Zonaras, VII. 17. A confused vestige of the same story may be found in Valerius Maximus (VI. 3. 2); and the mutilated passage in Festus, beginning in the common editions with "Nauti consulatu," must clearly refer to it. Niebuhr's restoration and explanation of this last fragment may be found in his note 265 to the 2nd volume of his History, p. 144, 2nd edition. Both are highly ingenious, and that the fragment began with the word "novem," and not with "nauti," seems certain; inasmuch as the article before it begins with the word "novalis," and that which follows it begins with "novendiales." All the words now to be found in the MS. of Festus, half of the page having been accidentally destroyed by

who advocated the cause of the commons were burned alive in the circus, such being the old punishment of the worst traitors. It appears, however, from the fragment of Festus, which undoubtfre, are the following, and ranged in the following order as to lines:

T. Sicini Volsci
inissent adversus
co combusti feruntur
ne quae est proxime cir-
pide albo constratus.
Opiter Verginius
Laevinus, Postumus Co-
llius Tolerinus, P. Ve-
onius Atratinus, Ver-
tius Scaevola, Sex: Fu-

Who can profess to fill up such a fragment with certainty? But I observe that Mutius Scævola belonged to a house which, so far as we know, was never patrician: and the preceding name, of which only the first syllable remains, Ver-, may also have denoted a plebeian, as we meet with a Virginius amongst the tribunes as early as the year 293. (Livy, III. 11.) But as all the others are patrician names, how can they have been tribunes; or how can there have been nine tribunes earlier than the year 297; or how can we find a place for such an event between 297 and the appointment of the decemviri; after which time it becomes wholly inconceivable? The words "adversarii" and "adversus eum" seem to me the most unlikely parts of Niebuhr's conjectural addition. The criminals would hardly have been described simply as the adversaries of T. Sicinius, nor their crime called a conspiracy against him. The story in Valerius Maximus represents one tribune as being a principal agent in the execution of his nine colleagues. We can thus explain the position of the name of Sicinius, if we read, "novem collegæ T. Sicinii Volsci," and "cum conjurationem" (or "consilia") "inissent adversus Remp." But what are we to call the office in which these ten men were colleagues together? Can it really have been the tribuneship? and are we to take Cicero's statement, in the fragments of his speech for Cornelius, that the number of tribunes was increased from two to ten in the very year after the first institution of the office? and is it possible that the patricians named in Festus' Fragment were the very persons whom Dion Cassius had in his mind, when he said that "many of the highest patricians renounced their nobility from being ambitious of the great power of the office, and became tribunes?" If this were so, T. Sicinius Volscus would be a member of the house of the plebeian Sicinii, and not the patrician who was consul in the year 267. The time of the execution I should place about the same time as the death of Cassius; and it is not incredible that even the people in their centuries may have believed that accusation of a conspiracy against the common liberty, which was brought against Cassius, and may have sentenced nine of the tribunes to death as his accomplices, especially if one

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edly relates to this event, that some of the victims in this execution were of patrician houses; and there is an obscure and corrupt passage of Dion Cassius in the Vatican fragments, which seems to indicate that some of the burghers did take part with the commons, whether from a sense of justice or from personal ambition.

A.U.C. 298. A.C. 454. Law of L. Icilius for allotting out the Aventine to the commons.

The year 298, to return to our annals, was marked on the part of the tribunes by an important measure. First of all[40], to prevent their increased number from being a source of weakness, by making differences amongst themselves more likely, they bound themselves to each other by solemn oaths, that no tribune should oppose the decisions of the majority of his colleagues, nor act without their consent. Then Lucius Icilius, one of their number, brought forward his famous law for allotting the whole of the Aventine hill to the commons for ever, to be their exclusive quarter and stronghold. This hill was not, as we have seen, a part of the original city, nor was

of their own colleagues, and a genuine plebeian, had denounced them as being really enemies to liberty under the mask of opposing the aristocracy. And such a circumstance as the alleged treason of nine out of ten of the tribunes would have afforded a good pretence for again reducing their number to two or five, from which it was again finally raised to ten in the year 297. It must be remembered that the whole period between the first institution of the tribuneship, and the death of Cassius, is one of the greatest obscurity, and that the remaining accounts are full of variations. Sempronius Atratinus is mentioned by Dionysius as speaking in favour of the appointment of a commission of ten men to carry into effect the proposed agrarian law of Cassius, at least in a modified form; this was in the year 268. (Dionysius, VIII. 74.) I have sometimes thought whether the nine men may not have been members of this commission, and accused by their tenth colleague, T. Sicinius, the patrician, of abusing their powers to favour the tyranny of Cassius.

[40] Dionysius, X. 31.

it even yet included within the pomærium, or religious boundary, although it was now within the walls; much of it was public or demesne land, having neither been divided out among the original citizens, the burghers, nor having in later times been assigned in portions to any of the commons. The ground, which was thus still public, was occupied according to custom by individual burghers; some had built on it, but parts of it were still in their natural state and overgrown with wood. Yet this hill was the principal quarter in which the commons lived, and large parts of it had doubtless been assigned to them in the time of the kings, as the freeholds of those to whom they were granted. It appears that encroachments were made on these freeholds by the burghers; that the landmarks, which, according to Roman usage, always distinguished private property from common, were from time to time forcibly or fraudulently removed; the ground was then claimed as public, and as such occupied only by burghers; and in this way the ejectment of the commons from what they considered as their own hill, seemed likely to be accomplished. Again, the Aventine is one of the steepest and strongest of the hills of Rome; if wholly in the hands of the commons, it would give them a stronghold of their own, such as the burghers enjoyed in the other hills; and this, in such stormy times, when the dissensions between the orders might at any instant break out into open war, was a consideration of the highest importance. Such were the reasons which induced the tribunes to suspend

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for a time the question of the Terentilian law, and to endeavour to obtain at once for their order the secure and exclusive property of the Aventine.

New mode of proceeding to procure the passing of the law.

A new course[41] was also adopted in the conduct of this measure. Instead of bringing it forward first before the commons, where its consideration might be indefinitely delayed by the violent interruptions of the burghers, L. Icilius called upon the consuls to bring it in the first instance before the senate, and he claimed himself to speak as counsel in its behalf. This was asserting not merely the right of petitioning, but the still higher right, that the petition should not be simply laid on the table, but that counsel should be heard in defence of it, and its prayer immediately taken into consideration. A story is told that the consul's lictor[42] insolently beat away the tribune's officer who was going to carry to them his message; that immediately Icilius and his colleagues seized the lictor, and dragged him off with their own hands, intending to throw him from the rock for his treason against the sacred laws. They spared his life only at the intercession of some of the oldest of the senators, but they insisted that the consuls should comply with the demands of Icilius; and accordingly the senate was summoned, Icilius laid before them what may be called his petition of right, and they proceeded to vote whether they should accept or reject it[43].

The law is passed.

The majority voted in its favour, moved, it is said,

[41] Dionysius, X. 31.
[42] Dionysius, X. 31.
[43] Dionysius, X. 32.

by the hope that this concession would be accepted by the commons instead of the execution of the agrarian law. Then the measure thus passed by the senate was submitted by the consuls to the comitia of centuries, which, as representing the whole nation, might supersede the necessity of bringing it separately before the curiæ and the tribes. Introduced in a manner by the government, and supported by the influence of many of the burghers as well as by the strong feeling of the commons, the bill became a law: its importance, moreover, led to its being confirmed with unusual solemnities; the pontifices and augurs attended; sacrifices were performed, and solemn oaths were taken to observe it; and as a further security, it was engraved on a pillar of brass, and then set up in the temple of Diana on the Aventine, where it remained till the time of Dionysius.

Its provisions.

The provisions of the law were, "that so much[44] of the Aventine hill as was public or demesne property, should be allotted out to the commons, to be their freehold for ever. That all occupiers of this land should relinquish their occupation of it; that those who had occupied it forcibly or fraudulently[45] should have no compensation, but that other occupiers should be repaid for the money which they might have laid out in building upon it, at a fair estimate,

[44] Dionysius, X. 32.

[45] In Dionysius' Greek version, βεβιασμένοι, (or with the Codex Vaticanus βιασάμενοι,) ἢ κλοπῇ λαβόντες: in the original language "vi aut clam," as in the well-known form of the prætor's interdict, "eum fundum quem nec vi, nec clam, nec precario alter ab altero possidetis, ita possideatis." See Festus in "Possessio."

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to be fixed by arbitration." Probably also, as Niebuhr thinks, there was a clause forbidding any burgher to purchase or inherit property on the hill, that it might be kept exclusively for the commons. It is mentioned that the commons began instantly to take possession of their grant, and the space not sufficing to give each man a separate plot of ground, an allotment was given to two, three, or more persons together, who then built upon it a house with as many flats or stories [46] as their number required, each man having one floor for himself and family as his freehold. The work of building sufficiently employed the commons for the rest of the year; the Terentilian law was allowed to rest; and an unusual rainy season, which was very fatal to the crops [47], may have helped to suspend the usual hostilities with the Æquians and Volscians.

Fresh disputes about the Terentilian law.

The same tribunes were re-elected for the year following, and the Terentilian law was now again brought forward, but still as formerly before the

[46] Dionysius, X. 32. Houses thus divided amongst several proprietors, each being the owner of a single floor, were the *ξυνοικίαι* of the Greeks; and these were the "insulæ" of which we hear at Rome, and which are distinguished by Tacitus from "domus," the houses of a single proprietor, just as Thucydides speaks of the rich Corcyræans setting on fire *τὰς οἰκίας καὶ τὰς ξυνοικίας*, III. 74. Compare Tacitus, Annal. XV. 41. 43. The original sense of the word "insula" as given by Festus, "quæ non junguntur communibus parietibus cum vicinis, circuituque publico aut privato cinguntur," seems to show that the insula was ordinarily built like our colleges, or like the inns of court in London, a complete building in itself, and so large as to occupy the whole space from one street to the next which ran parallel to it.

[47] Livy, III. 31. Annonâ propter aquarum intemperiem laboratum est. Such notices of the weather and seasons come from the oldest and simplest annals, whether of the pontifices or of private families, and may safely be looked upon as authentic.

assembly of the tribes; its rejection by the senate being supposed to be certain, if it were proposed there in the first instance. The consuls[48] headed the burghers in their opposition, and in their attempts to interrupt the assembly of the commons by violence; the tribunes in return brought some of the offenders to trial for a breach of the sacred laws, and not wishing to press for the severest punishment, enforced, according to Dionysius, only the confiscation of the criminal's property to Ceres, whose temple was under the special control of the ædiles of the commons, and was the treasury of their order. But the burghers, it is said, advanced money out of their own treasury to buy the confiscated estates from those who had purchased them, and then gave them back to their original owners.

The consuls of the year 300, Sp. Tarpeius and

[48] Dionysius, X. 33—42. The events of this year are given by Dionysius at great length, in fifteen chapters; in Livy they do not occupy as many lines. The story of L. Siccius, under a somewhat different form, is given by the former under this year; although in its common version it occurs again in his history in its usual place under the decemviri. Whoever was the writer from whom Dionysius copied, he must have been one who had no wish to disguise the injustice of the burghers, but rather perhaps to exaggerate it; for they never appear in a more odious light than in the transactions of this year. One statement however is curious; that the houses most violent against the commons, and most formidable from the strength of their brotherhoods, or societies, ἑταιρίαι, were the Postumii, Sempronii, and Clœlii. The former of these was an unpopular house, as may be seen from the story of the severity of L. Postumius Tubertus to his son, (Livy, IV. 29,) and of the murder of M. Postumius by his soldiers (Livy, IV. 49). The Sempronii also appear as a family of importance during the next fifty years; but the Clœlii are very little distinguished either in the early or in the later Roman history, only four members of this house occurring in the Fasti, and none of them being personally remarkable. Their coins however are numerous.

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The Aternian law, "de multæ sacramento."

A. Aternius, appear to have been moderate men; and not only were the two consuls of the preceding year accused before the commons by the tribunes, and fined, without any opposition on the part of the burghers, but the new consuls themselves brought forward a law, which was intended probably to meet some of the objects of the Terentilian law, by limiting the arbitrary jurisdiction of the patrician magistrates. The Aternian law[49], de multæ sacramento, fixed the maximum of the fines which the consuls could impose for a contempt of their authority, at two sheep and thirty oxen; nor could this whole fine be imposed at once[50], but the magistrate was to begin with one sheep, and if the offender continued obstinate, he might the next day fine him a second sheep, and the third day he might raise the penalty to the value of an ox, and thus go on day by day, till he had reached the utmost extent allowed by the law. It would appear also by the use of the term sacramentum[51], which was applied to money deposited in the judge's hands by two contending parties, to be forfeited or recovered according to the issue of the suit, that this fine was not absolute, but might be recovered by the party who had paid it, either on his subsequent submission, or on his appeal to the

[49] Cicero, de Republicâ, II. 35. The reading of the consul's name, as given in this passage of Cicero, Aternius, enables us to account for and to correct the corrupt reading in Dionysius, Τερμήνιος. We find it also correctly given in one of the recently-discovered fragments of the Fasti Capitolini.

[50] See Varro, de Ling. Latinâ, V. 177, and Niebuhr, Vol. II. p. 341, 2nd ed.

[51] See Varro, de Ling. Lat. V. 180, and Festus in voce.

judgment of his peers, whether burghers or commons, and on their deciding in his favour.

Three commissioners are sent to Greece.

But with regard to the Terentilian law itself, the tribunes could make no progress. The burghers absolutely refused to allow the commons any share in the proposed revision of the constitution; but they consented to send three persons beyond the sea[52] into Greece, to collect such notices of the laws and constitutions of the Greek states as might be serviceable to the Romans. These commissioners were absent for a whole year: and in this year the pestilence[53] again broke out at Rome, and carried off so many of the citizens, amongst the rest, four out of the ten tribunes, that there was a necessary cessation of political disputes. And as the pestilence spread also amongst the neighbouring nations[54], they were in no condition to take advantage of the distressed state of the Romans.

A.U.C. 301. A.C. 451.

A.U.C. 302. A.C. 450.

It is resolved to appoint ten men to revise the laws and constitution.

In the next year the pestilence[55] left Rome free; and on the return of the commissioners from Greece, the disputes again began. After a long contention, the commons conceded the great point at issue; and it was agreed that the revision of the laws and constitution should be committed to a body of ten men, all of the order of the burghers, who should supersede all other patrician magistrates, and each administer the government day by day in succession, as during an interregnum. Two of these were the

A.U.C. 303. A.C. 449.

[52] Livy, III. 31.
[53] Livy, III. 32.
[54] Dionysius, X. 53.
[55] Dionysius, X. 54. Livy, III. 32.

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consuls of the new year, who had been just elected, Appius Claudius and T. Genucius; the warden of the city and the two quæstores parricidii, as Niebuhr thinks, were three more; and the remaining five were chosen by the centuries [56].

Conclusion of the struggle about the Terentilian law.

Such was the end of a contest which had lasted for ten years; and all its circumstances, as well as its final issue, show the inherent strength of an aristocracy in possession of the government, and under what manifold disadvantages a popular party ordinarily contends against it. Nothing less than some extraordinary excitement can ever set on a level two parties so unequal; wealth, power, knowledge, leisure, organization, the influence of birth, of rank, and of benefits, the love of quiet, the dread of exertion and of personal sacrifices, the instinctive clinging to what is old and familiar, and the indifference to abstract principles so characteristic of common minds in every rank of life; all these causes render the triumph of a dominant aristocracy sure, unless some intolerable outrage, or some rare combination of favourable circumstances, exasperate or encourage the people to extraordinary efforts, and so give them a temporary superiority. Otherwise the aristocracy may yield what they will, and retain what they will; if they are really good and wise, and give freely all that justice and reason require, then the lasting greatness and happiness of a country are best secured; if they do much less than this, yielding something to the grow-

[56] Vol. II. p. 350, 2nd ed.

ing light of truth, but not frankly and fully following it, great good is still done, and great improvements effected; but in the evil which was retained there are nursed the seeds of destruction, which falls at last upon them and on their country. The irritation of having reasonable demands refused provokes men to require what is unreasonable; suspicion and jealousy are fostered beyond remedy; and these passions, outliving the causes which excited them, render at last even the most complete concessions thankless; and when experience has done its work with the aristocracy, and they are disposed to deal justly with their old adversaries, they are met in their turn with a spirit of insolence and injustice, and a fresh train of evils is the consequence. So true is it that nations, like individuals, have their time of trial; and if this be wasted or misused, their future course is inevitably evil; and the efforts of some few good and wise citizens, like the occasional struggles of conscience in the mind of a single man when he has sinned beyond repentance, are powerless to avert their judgment.

CHAPTER XIV.

THE FIRST DECEMVIRS, AND THE LAWS OF THE TWELVE TABLES.

"The laws of a nation form the most instructive portion of its history."—GIBBON, Chap. XLIV.

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Appointment of the decemvirs. Suspension of all other magistracies.

THE appointment of a commission invested with such extraordinary powers as those committed to the decemvirs, implies of itself a suspension of all such authorities as could in any degree impede or obstruct its operations. It was natural therefore that the tribunate [1] should be suspended as well as the patrician

[1] This is Dionysius' statement in the most express terms, (X. 56, ad finem.) Livy's language appears to me to admit of a doubt; for he says, when speaking of the wish of the commons to have decemvirs elected for another year, "Jam plebs ne tribunicium quidem auxilium, cedentibus in vicem appellationi [codd. "appellatione"] decemviris quærebat," (III. 34, ad finem.) And although when mentioning the appointment of the first decemvirs, he had said, "Placet creari decemviros—et ne quis eo anno alius magistratus esset" (III. 32), yet it was sometimes made a question whether the tribuneship was properly called magistratus or no: and at any rate it would not in these times be called "magistratus populi," but only "plebis:" further, Livy expressly adds that the "sacratæ leges" were not to be abolished. Niebuhr believes that the tribuneship was not given up till the second decemvirate. I think, on the whole, that Livy meant to agree with Dionysius; and the statement does not appear to me to possess any internal improbability.

magistracies; besides, the appointment of the decemvirs was even in its present form a triumph for the commons, and they would be glad to show their full confidence in the magistrates whom they had so much desired. Again, the tribunes had been needed to protect the commons against the tyranny of the consuls; but now that there were no consuls, why should there be tribunes? And who could dread oppression from men specially appointed to promote the interests of freedom and justice? Yet to show that the tribuneship was not to be permanently surrendered, the sacred laws were specially exempted from the decemvirs' power of revision, as was also that other law, scarcely less dear to the commons, or less important, which had secured to them the property of the Aventine.

The decemvirs begin their legislation.

With the ground thus clear before them, and possessing that full confidence and cheerful expectation of the people which is a government's great encouragement, the ten proceeded to their work. They had before them the unwritten laws and customs of their own country, and the information partly, we may suppose, in writing, which the commissioners had brought back from Greece. In this there would be much which to a Roman would require explanation; but the ten had with them an Ionian sophist[2],

[2] Pomponius, de origine juris, § 4, in the Digest or Pandects, 1 Tit. ii. Strabo, XIV. 1, § 25, p. 642. Hermodorus was the friend of Heraclitus the philosopher, who reproached the Ephesians for having banished him from mere jealousy of his superior merit. See the story in Strabo, as already quoted, and in Cicero, Tusculan. Disputat. V. 36. Diogenes Laertius says that Heraclitus flourished in the sixty-ninth Olympiad, but Syncellus makes

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Hermodorus of Ephesus, who rendered such important services in explaining the institutions of his countrymen, above all of the Athenians, the great glory of the Ionian race, that a statue was erected to his honour in the comitium.

They complete ten tables of laws.

The result of these labours, after a few months, was submitted to the examination of the people[3]. Ten tables were published and set up in a conspicuous place for all to read them. Every man was then invited to make known to the ten such corrections as he might think needed; these were considered and adopted as far as the ten approved of them: and the ten tables thus amended were then laid before the senate, the centuries, and the curiæ, and received the sanction of both orders of the nation. The laws were then engraved on tablets of brass[4], and the tablets were set up in the comitium, that all men might know and observe them.

Only fragments of them have been preserved to us.

It cannot be doubted that the ten tables were a complete work, and intended to be so by their authors. All the circumstances of their enactment show this; it seems shown also by their number, which had reference to that of the ten commissioners,

him contemporary with Anaxagoras, the elder Zenon, and Parmenides, which would render it very possible for his friend Hermodorus to have visited Rome in the time of the decemvirs. Strabo expressly identifies the Hermodorus of whom Heraclitus spoke, with the man of that name who helped the decemvirs in drawing up their laws. And the fact of his having been honoured with a statue in the comitium, (Pliny, Hist. Nat. XXXIV. 11,) would seem to prove that the story of his having helped the decemvirs was not without foundation.

[3] Livy, III. 34.

[4] So Dionysius, στήλαις χαλκαῖς ἐγχαράξαντες αὐτούς. X. 57. Livy's simple expression "tabulæ" would lead one to suppose that they were written on wood.

as if each commissioner had contributed an equal portion to their joint work. It is clear, also, that they satisfied the expectations of the people, and were drawn up in a spirit of fairness and wisdom: for whatever the Romans found fault with in the laws of the twelve tables, was contained in the two last of them; and the laws, as a whole, are spoken of with high admiration, and remained for centuries as the foundation of all the Roman law. Unhappily we ourselves know little of them beyond this general character. Some fragments [5] of them have been preserved by ancient writers; but these are far too scanty to allow us to judge either of the substance or of the order of the whole code.

STATE OF THE ROMAN LAW IN ITS EARLIEST KNOWN FORM.

Still [6] we may fitly avail ourselves of the occasion offered by this great period in Roman legislation, to

[5] The authentic remains of the twelve tables are given by Haubold in his "Institutionum Juris Romani privati Lineamenta," as republished after his death by Dr. Otto, Leipzig, 1826. They are given also by Dirksen, with an elaborate criticism as to the text and the sources of each fragment. "Uebersicht der bisherigen Versuche zur Kritik und Herstellung des Textes der Zwölf-Tafel-Fragmente." Leipzig, 1824. The earlier collections of them contain clauses ascribed to the twelve tables on insufficient authority.

[6] I am well aware of the difficulty of writing on legal details without a professional knowledge of the subject. But history must embrace the subject matter of every profession; and as no man can be properly qualified to write on all, the necessity of the case must excuse the presumption. It will be proper here to mention the works from which the present chapter has been chiefly compiled. 1st. The Institutes of Gaius. An epitome of the three first books of this great work had been long known, but the whole work in its genuine state was first discovered by Niebuhr in 1816, in a palimpsest, or rewritten manuscript, of some of the works of S. Jerome, in the Chapter Library at Verona. I have used the second edition published by Göschen at Berlin in 1824; and I have derived great assistance from Göschen's continued references to parallel passages in the other extant works of the Roman lawyers. 2nd. The fragment of Ulpian from a MS. in the Vatican, published

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give something of a view of the Roman law as it was settled by the twelve tables, or as it existed in the oldest form in which it is now possible to trace it. And I shall adopt that division of constitutional law on the one hand, and civil law on the other, which Livy had in his mind when he called the twelve tables "fons omnis publici, privatique juris."

Jus Privatum divided into the

To begin then with "Jus privatum," or the civil

by Hugo in his "Jus Civile Antejustinianeum." Berlin, 1815. The Fragments of Ulpian more recently discovered and published by Mai I have not seen. 3rd. I have read the Institutes of Justinian, and referred continually to the Digest or Pandects; but I cannot pretend to have read through the Digest, or to be deeply acquainted with its contents. 4th. Hugo's Geschichte des Römischen Rechts. 9th edit. Berlin, 1824. 5th. Haubold's Institutionum juris Romani lineamenta, and Dirksen's work on the Twelve Tables, noticed in a preceding note; as also Haubold's edition of the well known work of Heineccius, "Antiquitt. Romanar. jurisprudentiam illustrantium syntagma." 6th. Savigny, "Recht des Besitzes," 5th edition; and some articles by the same great writer in the "Zeitschrift für geschichtliche Rechtswissenschaft." In point of excellence, I could not, I suppose, have consulted higher authorities than these; but I am perfectly conscious of the insufficiency of a few months' study, even of the best writers, on a subject so vast as the Roman law. The other works which I have consulted will be noticed in their several places.

"The Fragments of Ulpian discovered and published by Mai" are not correctly described, as I had not seen the book when this note was written. I have only been able to procure it since the completion of the present volume, and I find that it contains the remains of several treatises by an unknown lawyer, on various legal subjects; these treatises consisting for the most part of quotations from the works of the most eminent lawyers, arranged in order, as in the Pandects. Amongst the rest there are naturally citations from Ulpian, and some of these were not known to us before Mai's discovery; others had been already preserved in the Pandects. The manuscript in which these treatises were found was a palimpsest, now in the Vatican Library, and marked in the catalogue VMDCCCLXVI. It was brought to Rome from the library of the monastery at Bobbio, near Placentia, and these treatises were first published from it by Mai in 1823: they have been since reprinted at Bonn, in 1833, under the superintendence of Bethmann Hollweg; and I know them only in this German edition. They do not give us any additional information as to the laws of the Twelve Tables.

I. Law of Persons, II. Law of Things, and, III. Law of Actions.

law of Rome. This, according to the Roman lawyers, related either to persons, or to things, or to actions, in the legal sense of the term. Let us first examine some of the principal points in the law as it regarded persons.

I. Law of Persons. Persons born free, persons made free, and slaves.

I. In later times the lawyers had occasion to notice three descriptions of persons; those born free, those who had been made free, and slaves. The distinctions of burghers and commons, patricians and plebeians, had long since vanished; and all free-born Roman citizens were legally regarded as equal. On the other hand, the condition of slaves admits of little variation so long as they remain slaves; and thus, with regard to these, the lapse of centuries produced little change. But the freedmen of a later age appear to represent the clients of the period of the twelve tables.

The freedmen of a later age resembled the clients of the period of the twelve tables.

That the relation of the freedman to his former master very nearly resembled that of the client to his lord, might be conjectured from this, that when a slave obtained his freedom, his former master, "dominus," became his "patronus," the very same name which expressed his relation to his clients. Previously to the decemvirate, this class of persons voted indeed in the comitia of centuries, which comprehended the whole Roman people, but they did not belong to any tribe, and therefore had no votes in the separate comitia of the commons. The decemvirs[7]

[7] On this point see Niebuhr, Vol. II. p. 318. Engl. Transl. It is admitted also by Haubold in his Tabulæ Chronologicæ as one of the institutions of the decemvirs.

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procured their enrolment in the tribes, and thus added greatly to the influence of the aristocracy over the popular assemblies; for the tie between a patron and his clients or freedmen seems to have been a very kindly one, and much stronger as yet than any sense of the duty of advancing the cause of the great mass of the nation. Indeed the freedman was held to belong so much to his patron, that if he died intestate, and without direct heirs[8], his patron inherited all his property; a law which applied also, as we cannot doubt, though perhaps with some qualification, to the client.

Power of a father over his children.

Looking at the domestic relations of free citizens, we find that the absolute power of a father over his children, was in some slight degree qualified by the twelve tables; inasmuch as they enacted[9], that if a father had sold his son three times, he should have no further control over him. Formerly, it appears, the independence of a son during his father's lifetime, had been regarded as monstrous and impos-

[8] Gaius, Institut. III. § 40. A man's direct heirs, "sui heredes," were according to the Roman law his children "in potestate," whether male or female, by birth or by adoption: his son's children; his son's son's children; his wife in manu; and his daughter-in-law. See Gaius, Institut. III. § 2. For the application of this law to clients, see Nieuport, Ritt. Romanor. Sect. I. ch. IV. § 3, and the defence of his statement in Reiz's preface to the 5th edit. of Nieuport's work. Niebuhr also is of the same opinion. Hist. Rom. Vol. I. p. 320. Eng. Transl. The qualification alluded to is supposed by Reiz to have consisted in this, that a client's agnati would have inherited before his patron, whereas a freedman could have no agnati, his natural relationships in his state of slavery being reckoned as nothing.

[9] Si pater filium ter venum duit, filius a patre liber esto. Fragm. duodec. Tabb. 12, apud Haubold, Institut. jur. Rom. lineamenta.

sible; he never could become sui juris. The father might transfer his right to another by selling his son, but if his new master set him free, the father's right revived, and the son became again in potestate. But by the new law the father's right became terminable; and if after he had thrice sold his son, the last purchaser gave him his freedom, then the son no longer reverted to his father's power, but remained his own master. Still, as if to show the peculiar sacredness of the father's power, he could not by any one act of his own make his son independent; he could not give him his liberty like a slave, but was obliged, if he wished to emancipate him, to go through the form of thrice selling him; and it was only when, according to the common practice, the son after the third sale was resold to his father, that then, the fatherly power being extinct, he could give him his freedom by a direct act of manumission. It should be remembered also, that an emancipated son lost his relationship to his father, and could no longer inherit from him; and further, that by having been sold, and so passed into the state of slavery, he incurred[10] that legal degradation which the

[10] Minima capitis diminutio accidit in his qui mancipio dantur, quique ex mancipatione manumittuntur; adeo quidem ut quotiens quisque mancipetur aut manumittatur, totiens capite diminuatur. Gaius, Institut. I. § 162. The disqualifications incurred by a diminutio capitis included a forfeiture of the jus agnationis. A man's agnati are his relations derived "per virilis sexus personas;" such as his father's brother, or brother's son, or the son of an uncle by the father's side. These inherited in preference to the cognati, or relations derived "per fœminei sexus personas;" and thus an emancipated son could not be heir or guardian to his nephew on his brother's side, by virtue of the

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Romans called diminutio capitis, and consequently, remained liable, during the remainder of his life, to certain peculiar disqualifications.

His power of disposing of his property by will.

As the father of a family enjoyed absolute power over his children in his lifetime, so was he equally absolute in his choice of a guardian for them, and in his disposal of his property after his death[11]. He might bequeath his whole fortune to any one child, to the exclusion of the rest, or to an absolute stranger, to the exclusion of them all. In this respect the twelve tables gave probably a legal sanction to a power which was become common in practice, but, strictly speaking, was as yet only a matter of indulgence, not of right. Hitherto, the will of every citizen had been read before the comitia[12], whether of the curiæ or of the centuries; that the former in the case of a burgher, the latter in the case of a plebeian, might confirm or reject it. The confir-

jus agnationis, as he had lost that right by having gone through the state of mancipatio during the process of his release from his father's authority.

[11] Uti legassit super pecuniâ tutelâve suæ rei, ita jus esto. Fragm. duodec. Tabb. 13, apud Haubold. See Gaius, Institut. II. § 224.

[12] Testamentorum autem genera initio duo fuerunt; nam aut calatis comitiis faciebant, quæ comitia bis in anno testamentis faciendis destinata erant, aut in procinctu, id est cum belli causâ ad pugnam ibant: procinctus est enim expeditus et armatus exercitus. Gaius, Institut. II. § 101. Ulpian, Fragm. XX. 2. "Calata comitia" are defined by Labeo to be those, "quæ pro collegio pontificum habentur aut regis aut flaminum inaugurandorum causâ." "Iisdem comitiis," says Gellius, by whom the passage from Labeo has been preserved, "et sacrorum detestatio et testamenta fieri solebant." Noct. Att. XV. 27, § 1. 3. And Labeo tells us that these calata comitia were either "curiata" or "centuriata;" so that we may safely conclude that the will of a patrician was read at the former, that of a plebeian at the latter. See Niebuhr, Vol. II. p. 336. Eng. Transl.

mation was generally, as we may suppose, become almost a matter of course; still it is evident that it might have been refused. But from this time forward it became a mere formality; the right of a father to dispose of his property as he chose was fully acknowledged; and it was conferred on him with such full sovereignty, that it was only when he died intestate, that the next of kin could take the management of his inheritance out of the hands of his sons if they were squandering it extravagantly; no degree of waste on the part of a son could justify the interference of his relations[13], if he had succeeded by virtue of his father's will. The principle of this distinction is plain: when the father of a family had waved his right of bequeathing his property, it seemed in some measure to revert to the community, as a member of which, he or his ancestor had originally received it. This community was the gens in the last resort, and more immediately the family of which he was the representative. As then his property would go to the male representatives of his family in default of his own direct heirs, so they had an interest in preserving it unimpaired, and were allowed to enforce it when the son's title to his inheritance rested like theirs, only on the general award of the law. But where the father had disposed of his property by will, then the individual right of ownership passed in full sovereignty to his

[13] A prætore constituitur curator—ingenuis qui ex testamento parentis hæredes facti male dissipant bona: his enim ex lege (scil. XII. Tabularum) curator dari non poterat. Ulpian, Fragm. XII. 3.

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children, and no one might interfere with their management of what was wholly their own. The later law did away with this distinction; and the prætor was accustomed to deprive an extravagant son of the administration of his inheritance, even when he had succeeded to it by his father's will. And this is natural, for as society advances in true civilization, its supremacy over all individual rights of property becomes more fully recognized; and it is understood that we are but stewards of our possessions with regard to the commonwealth of which we are members, as well as with respect to God.

Law with respect to women: 1. as to marriage;

We shall not be surprised to find that the usages of a rude people paid but little respect to women. A man could acquire a right over a woman by her having lived with him for a year; exactly as a year's possession gave him a legal title to a slave, or any other article of moveable property. Here again the twelve tables so far interfered[14], as to give the power to the woman of barring this prescription, by absenting herself from her husband during three nights in each year. By so doing, she avoided passing under her husband's power, "in manum viri;" and could not, therefore, like a wife in the fullest sense, inherit from him as his daughter. Still the connexion was recognized as a lawful marriage[15], "connubium;"

[14] Gaius, Institut. I. § 111.

[15] The formalities of a marriage, according to the Roman law, seem only to have affected the wife's property, and her power of inheriting from her husband, not the legitimacy of the children. A woman's guardians might prevent her from passing in manum viri either by prescription, "usus," or by coemptio, because then they lost their control over her property, and their right of inheriting from her (see Cicero

and the children accordingly followed their father's condition, and were subject to his power, which was the case only with such children as were born in "connubium."

2. as to their being always under guardianship.

Again, the old Roman law, confirmed in this instance also by the twelve tables, obliged all women, at all times of their lives, and under all circumstances [16], to be under guardianship. If a father died intestate, his daughters immediately became the wards of their brothers, or of their nearest male relations on their father's side [17]; nor could they without their guardian's sanction contract any obligation [18], or alienate their land, or make a will. If a woman married, she became in law her husband's daughter; he could appoint her guardians by his will, or, if he died intestate, her nearest male relations succeeded by law to the office; so that it was possible, in despite of the laws of nature, that a

pro Flacco, 34); but only her father's refusal of consent hindered her from forming a connubium, if her connexion was with a Roman citizen, and one not related to her in any prohibited degree. See Ulpian, Fragm. V. 2—7.

[16] Gaius, I. § 144. The vestal virgins were alone excepted by the twelve tables, "in honorem sacerdotii." Afterwards, by the later law, a woman obtained the same privilege by acquiring the "jus trium liberorum," which did not however always imply that she had really borne three children, but that by the emperor's favour she acquired the rights granted by law to one who had actually been a mother.

[17] Quibus testamento quidem tutor datus non sit, iis ex lege XII. agnati sunt tutores. Gaius, I. § 155.

[18] A woman's agnati by the old law were her tutores legitimi. And it was a well-known rule of law that she could make no valid will without their consent. Gaius, II. § 118. The whole right of her agnati to become her guardians was done away by the emperor Claudius. (Gaius, I. § 171.) But her father, and if she were a freed woman, her patronus, still retained the same power; and even in the time of the Antonines her will was good for nothing if it had not their sanction.

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mother might be under the guardianship of her own son. By these institutions, the apparent liberality of the law, which enabled a man's daughters to inherit on an equal footing with his sons, was in great measure rendered ineffectual [19]. A daughter might indeed claim an equal share with her brother of her father's land; but as she could neither alienate it during her lifetime, nor bequeath it by will without his consent, and as he was her legal heir, there was little probability of its passing out of the family. All this was greatly modified by the later law; but there were always found persons who regretted the change, and upheld the old system with all its selfishness and injustice, as favourable to a wholesome severity of manners, and a proper check upon the weakness or caprice of a woman's judgment.

II. Law of Things. Importance of a knowledge of the law of real property, as throwing light on the history of every people.

II. If from persons we now turn to property, or, according to the language of the law, to things, our curiosity as to the provisions of the twelve tables, and the state of things which they recognized, can be but imperfectly gratified. Yet there are few points of more importance in the history of a nation: the law of property, of real property especially, and a knowledge of all the circumstances of its tenure and divisions, would throw light upon more than the physical condition of a people; it would furnish the key to some of the main principles prevalent in their society. For instance, the feudal notion that property in land confers jurisdiction, and the derivation of

[19] See Hugo, Geschichte des Römischen Rechts, p. 209.

property, either from the owner's own sword, or from the gift of the stronger chief whose sword he had aided, not from the regular assignment of society, has most deeply affected the political and social state of the nations of modern Europe. At Rome, as elsewhere among the free commonwealths of the ancient world, property was derived from political rights rather than political rights from property; and the division and assignation of lands to the individual members of the state by the deliberate act of the whole community, was familiarly recognized [30] as the

[30] This is one of those general statements which I think the reader of an ancient history will readily admit, although it is not possible to bring any particular passage of an ancient writer as the authority for it. Nor is it to be denied, that conquest, and the lapse of years, introduced the greatest inequalities of property, quite as great as those subsisting in modern Europe. But the notion of an equal division of the land of a country amongst its citizens, which in modern Europe is so without example that it is looked upon as one of the wildest of impossible fancies, seems in the ancient world to have been rather the rule in theory, and in the earliest recorded settlement of a people, to have been often actually carried into practice. The division of Canaan amongst the Israelites, is a well-known example. Let any one compare this with the utterly capricious manner in which the Norman chiefs, from duke William downwards, appropriated to themselves, or granted away to their followers, the lands of England. Again, a similar equal division is said to have existed at one time in Egypt (Herodotus, II. 109); and even after the period of distress, noticed in Genesis, had brought most of the property into the hands of the kings, yet still we find the principle of regular division recognized; for even in the last years of the Egyptian monarchy, the class of landed proprietors who received their land as an hereditary fief, on the tenure of military service, enjoyed each man an equal portion. (Herodotus, II. 164, et seqq.) In all the Greek colonies there was the same system; each citizen had his κλῆρος, or portion, and in many states these were not allowed to be alienated. (Aristotle, Politic. VI. 4.) Thus the well-known division of Laconia, ascribed to Lycurgus, was nothing unprecedented: the remarkable feature in it was, that it was a return to the principle of regular assignation after a long departure from it — it was the bringing back of an old state to a new beginning, as it were, of its social existence. I think then it may be stated, as one of the characteristic points of the ancient world, that landed property was

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manner in which such property was most regularly acquired. This act conveyed the property of the land so granted in complete sovereignty; no seignorial rights were reserved on it; all on the soil and under it was alike made over to the proprietor; and as he was the absolute owner of it in his lifetime, so he could dispose of it to whom he would after his death. But he must leave it as unfettered as he had himself enjoyed it: he could not control the rights of his successor by depriving him of his power of disposing of it in his turn according to his pleasure; for this seemed an unjust encroachment on the power of posterity, and an unnatural usurpation on the part of any single generation. And a man's civil rights and duties were derived, not from his possession of property, but from his being a citizen of that society from whose law his property itself had come to him.

not merely sanctioned and maintained by law, but had originally been derived from it; and that even where the people as a body had gained their country by the sword, yet their individual citizens received their separate portion neither from their own sword, nor from the capricious bounty of their chiefs, but from the deliberate act of society, which proceeded on regular principles to allot a portion of its common property to each of its members. With respect to the statement at the end of this paragraph, that land conferred no political power, it may be objected that power was connected with landed property, inasmuch as the commons it is said were liable to be removed from their tribe by the censors, if they followed any other calling but agriculture. But this and other such regulations went on the principle, that it was desirable that a citizen should live by agriculture rather than by trade; a principle very generally admitted in the ancient world, but founded on considerations of what was supposed to be for the moral good of the community; and very different from the notion that he who had land ought to have jurisdiction and power. Besides, it was only a ground of censorian interference, if a citizen having had land, neglected it and followed any other calling; it certainly did not follow that every citizen received a grant of land, much less than his possession of land beforehand qualified him to become a citizen.

He was bound to defend his country, not as the holder of lands, but as a member of the Commonwealth: as a master he had power over his slaves; as a father over his children; as a magistrate over his fellow-citizens; as a free-born citizen he had a voice in public affairs; but as a proprietor of land he enjoyed only the direct benefits of property, and no power or privilege, whether social or political.

All property in land at Rome was derived originally from the grant of the state.

Yet the sword had won no small portion of the actual territory of Rome, no less than of the feudal kingdoms of a later period. The sword won it for the state, but not for individuals. Slaves, cattle, money, clothing, and all articles of moveable property, might be won by individuals for themselves: and the law [21] acknowledged this as a natural method of acquiring wealth; but whatever land [22] was conquered belonged immediately to the Commonwealth. It could be converted into private property only by purchase or by assignation; and assignation always

[21] Gaius, II. § 69. Quæ ex hostibus capiuntur, naturali ratione nostra fiunt; and in Justinian's Institutes this is expressly extended to slaves: "adeo quidem, ut et liberi homines in servitutem nostram deducantur." II. 1, § 17. De rerum divisione, &c.

[22] Gaius, II. § 7. In provinciali solo dominium populi Romani est, vel Cæsaris; nos autem possessionem tantum et usumfructum habere videmur. Accordingly no land, in provinciali solo, could be sold by mancipatio, because it was not res mancipii. "Provinciale solum" was opposed to "Italicum solum" and expressed the condition of land which remained still in the state of a conquest, and had not been incorporated with the territory, "ager," of the conquerors. But, as is well known, all the land in the provinces in the imperial times was not "provinciale solum," particular spots enjoyed the privileges of "Italicum solum," and this was the famous jus Italiæ which was so completely misunderstood by all writers on the Roman law and constitution before Savigny. He first showed that it was a privilege attached to land, and not, as had been supposed, to persons.

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proceeded on regular principles, and awarded equal portions of land to every man. But the mass of the conquered territory was left as the demesne of the state; and it was out of land similarly reserved to the kings in the conquests of the German barbarians that fiefs were first created. This system was prevented among the Romans, by the general law, strengthened apparently by the sanctions of religion: the law which prescribed to all grants of land made out of the state demesne the one form of common and equal assignation. The land then was not granted away, its property remained in the state; it was sometimes left as common pasture, sometimes farmed, sometimes occupied by individuals, in the same manner and under the same circumstances as in later times it was granted in fiefs, but with this essential difference, that this occupation was an irregular, and, as far as regarded the state, a wholly precarious tenure. The occupiers possessed large tracts of land, and derived as much profit from them as if they had been their property; but they were only tenants at will, and there was nothing to give to these permitted rather than authorized possessions, the dignity and political importance which were attached to the great fiefs of modern Europe.

Property acquired by prescription.

This occupation of the public land could by no length of prescription be converted into private property; lapse of time could never bar the rights of the Commonwealth; and therefore the "possessions" of the Roman patricians in early times, within a few miles of Rome, were on the same footing with all

land in the provinces afterwards: in neither case could prescription or usucapio[23] confer a legal title on the possessor, because in both instances the property of the soil lay in the state. But with respect to the lands of private persons, the early Roman law[24] allowed possession to become property after a lapse of only two years, provided that the possession had not been obtained in the first instance[25] either by force or fraud. The object of this enactment was supposed to have been the speedy settlement of all questions of ownership[26]; one year's possession gave a right of property in a slave, or any other moveable, and twice that time was thought sufficient for the owner of the land to establish his right against the occupier in a territory so small as that of Rome, unless through his own neglect. Probably, also, it was judged expedient to prevent the risk of any lands lying long uncultivated, by regarding land thus ne-

[23] Provincialia prædia usucapionem non recipiunt. Gaius, II. § 46. It need not be repeated that the provinciale solum of Gaius' time, of which the property was vested only in the Roman people or the emperor, while individuals could only have the occupation and usufruct of it, was exactly in the condition of the ager publicus of the time of the twelve tables. Afterwards the distinction between provinciale and Italicum solum was done away by Justinian, and usucapio was admitted alike in each; but it could be completed not in two years, but according to various circumstances, in ten, twenty, or thirty. See Justinian's Code, VII. Tit. 31. De usucapione transformandâ.

[24] Gaius, II. § 42. Ulpian, Fragm. XIX. § 8.

[25] Si modo eas bonâ fide acceperimus. Gaius, II. § 43. But even if the actual possessor acquired the possession of any thing bonâ fide, yet he could not acquire the property of it by prescription or usucapio, if it had been originally obtained by force or fraud; "si quis rem furtivam aut vi possessam possideat." Gaius, II. § 45.

[26] Ne rerum dominia diutius in incerto essent. Gaius, II. § 44.

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glected as returned in a manner to a state of nature, and open to the first occupant. Another reason would sometimes operate strongly; the duty of keeping up the religious rites attached to particular places, which would fall into disuse during the absence of an owner. This feeling was so powerful in the case of the religious rites of particular families[27], that if the heir neglected to enter upon his inheritance, another person might step in and take possession, and after the lapse of a single year, he acquired a legal title to the estate. But it cannot be doubted that the effect of this encouragement given to possession was favourable to the burghers, or patricians as we must now begin to call them, at the expense of the commons. The twelve tables[28] utterly denied the right of possession to a foreigner; against such an one the owner's title remained good for ever. And although the commons were no longer regarded as altogether foreigners, yet they were still excluded from the right of occupying the public land; and we may be certain that they could neither take possession of the inheritance of a patrician, nor of any portion of his land on which there was any temple or altar; for it would have been a direct profanation, had a stranger ventured to perform the religious rites peculiar to his family and

[27] Gaius, II. § 53. 55. Voluerunt veteres maturius hereditates adiri ut essent qui sacra facerent, quorum illis temporibus summa observatio fuit.

[28] "Adversus hostem æterna auctoritas." Fragm. XII. Tabular. 19, apud Haubold. "Auctoritas" is the right of claiming our own property, to prevent another from acquiring it by prescription.

race. Besides, in point of fact, the patricians' lands were far less likely to be left open to occupation. A plebeian, whose land had been laid waste by the enemy, whose house had been burnt, and his sons killed or swept off by the plague, might often be actually unable to cultivate his property again, and might leave it in despair to be possessed by the first person who chose to occupy it. Or if he were detained prisoner for debt in some patrician's prison, the same result might happen; his wife and children might seek protection with some relation or friend, and their home might thus be abandoned. And supposing justice to have been fairly administered, yet the delays of legal business, or the want of friends to undertake the cause, or the fear of provoking a powerful enemy, might often hinder the owner from making good his claim within two years, and so the property might be lost for ever.

Distinctions as to various kinds of property. Res mancipii and nec mancipii.

As the Roman law attached no political power to landed property, so neither did it make a distinction between it and all other kinds of property, as to the formalities required in conveying it to another. Yet there was a distinction recognized; some things might be conveyed by bare delivery, a title to others could only be given by selling them with certain solemn formalities, known by the names of mancipatio, and in jure cessio. This latter class[29] included

[29] Mancipi res sunt prædia in Italico solo—item jura prædiorum rusticorum, velut via, iter, actus, aquæductus; item servi et quadrupedes quæ dorso collove domantur, velut boves, muli, equi, asini. Cæteræ res nec mancipi sunt. Ulpian, Fragm. XIX. 1. It has been doubted whether this distinction was as old as

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not only land and houses, but also slaves, and all tame animals of draught or burden, and all these were classed under one common name, as res mancipii or mancipi; every other article of property was nec mancipii. The formality of mancipatio was one of the peculiar rights of Roman citizens[30]; no magistrate's presence was required, nor was there need of any written instrument; but five Roman citizens of an adult age were to be present as witnesses, and a sixth called the weigher or scalesman, was to produce a pair of scales to weigh the copper, which was at this time the only money in circulation. Then the purchaser laid his hand upon the thing

the twelve tables; (see Hugo, Geschichte des Röm. Rechts, p. 425;) but it is at any rate recognized by the Cincian law passed in the year 550, (see Hugo, p. 321,) and was in all probability coeval with the earliest state of the Roman law, except as far as regards the jura prædiorum; for these, being res incorporales, could not pass by actual bodily seizure, and mancipatio no doubt always in its original meaning implied this. It may be conjectured that mancipatio was at first a matter of usage amongst the plebeian landowners, a method of effecting a purchase in the country before a man's immediate neighbours, without the necessity of his going up to Rome and transacting the business before a magistrate. If the law of the twelve tables gave a legal sanction to this mode of conveyance, and thus gratified the commons by recognizing their custom as law, we can understand why there should have been afterwards a sort of pride felt in the exercise of this right of mancipatio, and why it should have been kept as one of the peculiar rights of Roman citizens. And if it were originally the mode of conveyance practised by the plebeian landowners, we can account for its being restricted to land, and to what constituted the most valuable part of the live stock of land, slaves, horses, mules, asses, and oxen. In particular we can thus understand why ships were res nec mancipii, because foreign commerce was wholly unknown to the agricultural commons, and ships were neither bought nor sold amongst them. I may observe that in the MS. published by Mai, and entitled "De donationibus, ad legem Cinciam," we have the true form "res mancipii," instead of "mancipi." See Hugo, p. 321, and Niebuhr, Vol. I. p. 447. Note 1044.

[30] Gaius, I. § 119.

which he was buying and said, "This thing I declare to be mine according to the law of the Quirites; and I have bought it with this money duly weighed in these scales." In later times, when this form was still preserved, only slaves and animals were required to be literally seized by the purchaser; land might be disposed of at a distance [31]. But in the days of the decemviri, we cannot doubt that every sale of land by mancipatio was transacted on the spot, and that the purchaser laid his hand upon the house or ground which he was buying, no less than on the slave or the ox. The form called "in jure cessio," took place before a magistrate [32]: the purchaser claimed, "vindicavit," the purchase as his property; the seller when asked by the magistrate if he disputed the claim, answered "that he did not;" and then the magistrate awarded the article in question to the purchaser or claimant. These transactions by word of mouth only, without writing, were especially sanctioned by the twelve tables, which declared, that in buying and selling, "even as the tongue had spoken, so should be the law [33]."

Law of succession.

The principle of the law of descent was that of qualified male succession without primogeniture [34].

[31] Gaius, I. § 121.

[32] Gaius, II. § 24. Ulpian, Fragm. XIX. 9.

[33] Quum nexum faciet mancipiumque, uti lingua nuncupassit ita jus esto. Fragm. XII. Tabular. 17, apud Haubold. See Dirksen, p. 397—406.

[34] I call it "qualified male succession," because although a man's daughters inherited along with his sons, yet his daughters' sons were altogether excluded, and his daughters, being under their brothers' guardianship, could not dispose of or devise their inheritance without their consent. By the Athenian law the sons

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All children who had not been emancipated [35] inherited their father's estate in equal portions, without distinction of sex or eldership. A man's wife, if she had fully come under his power, (in manum convenerat,) inherited as a daughter; and his son's children, if the son were dead, or had been emancipated [36], succeeded to that son's share, and divided it equally amongst them; even the children of his son's son inherited on the same condition, if their father had ceased to be in his grandfather's power, either by death or by emancipation; but daughters' children, as belonging to another family, had no right of succession. All these were called a man's own heirs, "sui heredes;" and in default of these, his agnati [37], or relations by the father's side, succeeded; the nearer excluding the more remote, and those in the same degree of relationship receiving equal shares. In default of agnati [38], a man's inheritance went to the members of his gens.

alone inherited, but they were obliged to portion out their sisters, and public opinion would not allow this to be done niggardly.

[35] Gaius, III. § 2.

[36] The reason of this restriction was, that if the son were in his father's power, he was himself his father's heir, and his children were of course excluded; if he had lost his succession either by death or by emancipation, then his children succeeded to his share as his representatives.

[37] Gaius, III. § 9, 10. By the law of the twelve tables, all relations by the father's side, whether male or female, were alike included under the title of agnati; but afterwards the meaning of the term was more limited, and female relations were excluded beyond the degree of a sister. A man's mother, if she had passed "in manum mariti," acquired the rights of a daughter as regarded her husband, and thus was considered in the light of a sister to her son. See Justinian, Institutes, III. Tit. 2. § 3.

[38] Gaius, III. § 17. It is provoking that the part of Gaius' work in which he had defined who were a man's "*gentiles*" is wholly illegible in the MS. It was to be found in his first book,

III. Law of actions. Five sorts of actions.

III. The last division of the Roman private law relates to actions. "Legis actio" signifies "the course of proceeding which the law prescribes to a man, in order to settle a dispute with his neighbour, or to obtain the redress of an injury." It stands opposed to all those acts of superstition or violence by which the ignorance or passion of man has sought to obtain the same end; to the lot or the ordeal on the one hand, to the dagger of the assassin or the sword of the duellist on the other. But a proceeding at law, according to the notion of the decemvirs, was bound to follow the law to the very letter; nothing was understood of construction or of deductions, insomuch that he who brought an action against another for cutting down his *vines*[39] was held to have

between the 164th and 165th sections of the present division. There is no more difficult question in Roman law than to ascertain when and to what extent the plebeians acquired "jura gentilitatis." The whole institution of the gentes seems to have been essentially patrician; and it was the boast of the patricians, "se solos gentem habere." Livy, X. 8. Who then in the succession to the property of an intestate plebeian stood in a position analogous to that of the members of his gens in the succession to the property of a patrician? For the noblest of the plebeian families, the Cæcilii for instance, or the Decii, could have had no connexion with any patrician gens such as subsisted between the plebeian and patrician Claudii, so that it does not appear who would have succeeded to the property of an intestate Cæcilius, in default of sui hæredes and agnati. Was it, as in the Athenian law, that cognati, a term which included relations by the mother's side as well as by the father's, were capable of inheriting? And if no relations at all were to be found, had the tribe any claim to the succession, or was the property considered to be wholly without an heir, and thus capable of being acquired by a stranger by occupation, possessio, and two years' prescription, usucapio? In this case there would be a possibility of the property of a plebeian being acquired by a patrician, whereas so long as there existed a single member of his gens, the property of a patrician could never be without a patrician heir.

[39] Gaius, IV. § 11.

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lost his cause, because the twelve tables forbade only the cutting down of *fruit trees* generally, without any particular mention of vines. The modes of action were five[40]; 1. Sacramento; 2. Per judicis postulationem; 3. Per condictionem; 4. Per manus injectionem; 5. Per pignoris captionem.

1st Action; Sacramento.

1. The first[41] of these was the most generally adopted where no other specific action was prescribed by law. The contending parties each staked a certain sum of money, "sacramentum," on the issue of their suit, five hundred asses, if the value of the disputed property amounted to one thousand asses or more; and fifty, if it fell below that sum. Only if the suit related to the establishing of the freedom of any one claimed as a slave[42], the sacramentum was fixed at the lower sum of fifty asses, lest his friends might be deterred from asserting his liberty, by the greatness of the sum they would have to forfeit if they failed in proving it. For the party who lost his cause forfeited his stake besides, and it went not to the other party, but to the state. Accordingly the magistrate having named a judge to try the cause, the parties appeared before him, and first briefly stated to him the nature of their respective claims. Then the object in dispute, if it were any thing capable of moving or being moved, was brought

[40] Gaius, IV. § 12.

[41] Gaius, IV. § 13—17.

[42] In the case of a slave's liberty, it was not necessary that the person who brought the question to issue should have any connexion with the slave, or any personal interest for him: it was the duty, or rather the privilege, of every man to save a freeman from the perpetual loss of his liberty. "In his quæ asserantur in libertatem, quivis lege agere potest." Livy, III. 45.

into court also, and the plaintiff, holding a rod or wand in one hand[43], and laying hold of the object which he claimed with the other, asserted that it belonged to him according to the law of the Quirites, and then laid his rod upon it. The defendant did the same, and asserted his own right to it in the same form of words. Then the judge bade them both to loose their hold, and this being done, the plaintiff turned to the defendant, and said, "Wilt thou tell me wherefore thou hast claimed this thing as thine?" The other answered, "I have fulfilled what right requires, even as I have made my claim." Then the plaintiff rejoined, "Since thou hast made thy claim wrongfully, I defy thee at law; and I stake five hundred asses on the issue." To which the defendant replied, "In like manner, and with a like stake, do I also defy thee." Then the judge awarded possession of the object in dispute to one or other of the parties till the cause should be decided, and called upon him to give security to his adversary, "litis et vindiciarum," that is, that he would make good to him both the thing itself, "litem," and the benefit arising from his temporary possession of it, "vindicias," if the cause were finally decided against him. Both parties also gave security to the judge that their stake, or sacramentum, should be duly paid. But if the dispute related to the personal freedom of

[43] "Festucam tenebat." This was apparently a rod or wand, as Gaius says afterwards, "Festucâ autem utebantur quasi hastæ loco, signo quodam justi dominii," § 16. It cannot, therefore, signify the wisp of straw or chaff which Plutarch says was thrown on a slave when he received his liberty. See Facciolati in Festuca.

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any man, whether he were to be adjudged to be a slave or a freeman, the twelve tables expressly ordered that the vindiciæ or temporary possession[44] should be awarded in favour of freedom, that the man should remain at liberty till it were proved that he was lawfully a slave. I have given all these details, partly from their affording so curious an illustration of the legal proceedings of the fourth century of Rome, partly from the light which they throw on the famous story of Virginia, presently to be related, and partly also from their novelty; our whole knowledge of the old actions at law being derived from the Institutes of Gaius, which in their entire and original form were first discovered by Niebuhr at Verona in the year 1816.

2nd and 3rd Actions; Per judicis postulationem and Per condictionem.

2, 3. The account of the second and third modes of action has been lost out of the MS. of Gaius, so that we can neither fully understand their nature, nor how they differed from one another. So far as we can judge, the latter, actio per condictionem, appears to have been a sort of serving a notice on the adversary, calling on him to appear at the end of thirty days, to submit his cause to the judge. The former, per postulationem judicis, was an application to the magistrate that he would name a judge to try the matter in dispute.

4th Action; Per manus injectionem.

4. The summary process, per manus injectionem, was allowed by the twelve tables[45] as a method of enforcing the fulfilment of the judge's sentence. If

[44] Vindiciæ secundum libertatem. See Livy, III. 44, 45.

[45] Gaius, IV. § 21—25.

the defendant, after having lost his cause, and having been sentenced to pay a certain sum to the plaintiff, had neglected to do so, the plaintiff might lay actual hands on him, and unless he could find a vindex, or defender, to plead his cause for him, he being himself not allowed to do it, he was dragged to the plaintiff's house, and there kept in chains till he had paid all that was due from him.

5th Action; Per pignoris captionem.

5. Lastly, the action, per pignoris captionem [46], was a rude method of distress, in which a man was allowed, in certain cases, to compel his adversary to pay him what he owed him by carrying off articles of his property as a pledge. In some instances it rested solely on old unwritten custom, such as that which allowed the soldier [47], if his pay were withheld, to distrain in this manner upon the goods of the officer whose business it was to give it him. The twelve tables allowed it in cases connected with religious worship; as for instance, it was permitted against him who had bought a sheep or an ox for sacrifice, and had not paid for it; or against him who had not paid for the hire of a beast which the owner had let for the very purpose of getting money to enable him to offer a sacrifice himself. In the first case, there was an impiety in a man's offering to the gods that which was not his own; in the second the

[46] Gaius, IV. § 26—29. With regard to the orthography of the word, the text of Gaius varies, exhibiting in one passage the form "captionem," § 12, and in another that of "capionem," § 26. If the expression be made one single word, the form would be pignoriscapio. See Cato, as quoted by Gellius, Noct. Att. VII. 10.

[47] Gaius, IV. § 27.

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gods themselves were defrauded of their sacrifice, inasmuch as their worshipper was deprived of the means to offer it.

LAW OF OBLIGATIONS.

I have purposely postponed my notice of one part of the law, that which relates to obligations, because it affords an easy transition to another branch of the subject, the criminal law of the twelve tables; inasmuch as several offences, which we regard as crimes, or public wrongs, were by the Romans classed under the head of private wrongs, and the compensation which the offender was bound to make to the injured party, followed from one species of civil obligation, technically called obligationes ex delicto.

Obligations ex contractu and ex delicto.

Over and above our general duties to our fellow-citizens, we put ourselves often, by our own voluntary act, under certain new and specific obligations towards them, either from some particular engagement contracted with them, or from our having done them some wrong. In the first case there arises an obligation to fulfil our agreement, in the second an obligation to repair our injustice. Hence the Roman law[48] divided all legal obligations into those arising from engagement, ex contractu, and those arising from a wrong committed, ex delicto.

I. Obligations ex contractu. Debts, interest of money.

I. It will not be necessary to go minutely into the subdivisions of the former of these two classes of obligations. To the head of obligationes re contractæ belonged the law of debtor and creditor: the

[48] Gaius, III. § 88.

mere fact of having borrowed money[49] constituted the obligation to pay it, without any promise to that effect, verbal or written[50], on the part of the borrower. But as the remarkable provisions of the law of the twelve tables, with regard to debtors, have been already noticed, it will not be needful to state them again. One part, however, of the engagements of debtors, their being bound to pay the interest as well as the principal of their debt, belonged to obligations of another class, those contracted by direct words of covenant; for whereas the payment of the principal was an obligation re contracta, the payment of interest was a matter of distinct stipulation between the contracting parties[51]. Yet although this may seem to be as much a matter of voluntary bargain as any dealing between man and man, still the contracting parties meet often on so unequal a footing, and the weaker is so little in a condition either to gain more favourable terms, or to do without the aid of which they are the price, that legislators have

[49] Or any thing else which can be weighed, counted, or measured. This was called "mutuum," when the thing, whatever it be, is given to another for his use, with the understanding that he shall return to us hereafter not that very same thing, but one of the same nature and quality. "Commodatum" expressed that which is lent to another, with the understanding that the very same thing shall be restored to us again.

[50] The English law considers an obligatio re contracta as an implied contract: such a contract "as reason and justice dictate, and which therefore the law presumes that every man undertakes to perform." Blackstone, Comment. Book II. c. 30, § IX.

[51] Gibbon, Vol. VIII. chap. xliv. p. 85. 8vo. ed. 1807, considers the payment of interest to follow from an obligatio ex consensu, and to come under the general head of letting and hiring, locatio and conductio, inasmuch as interest may be considered as the hire paid for the temporary use of money. The view given in the text is that of Heineccius, III. 15, § 6, and of Hugo, Geschichte des Röm. Rechts, p. 230, ed. 9.

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generally interfered either to prohibit such engagements altogether, or at any rate to prevent the stronger party from making an exorbitant use of his advantages; they have either made all interest of money illegal, or have fixed a maximum to its amount. Accordingly the decemvirs, while they enforced the payment of debts with such fearful severity, thought themselves bound to save the debtor, if possible, from the burden of an extravagant interest; they forbade any thing higher than unciarium fœnus [52], an expression which has been variously interpreted, as meaning in our language either one per cent. or cent. per cent., but which, according to Niebuhr [53], signifies a yearly interest of one-twelfth, or eight and one-third per cent.; and this being calculated for the old cyclic year of ten months, would give ten per cent. for the common year of twelve months, which was in ordinary use in the time of the decemvirs. This, according to our notions, is sufficiently high; yet the common rate of interest at Athens, at this time, was twelve per cent. [54]: and

[52] Tacitus, Annal. VI. 16. "Duodecim tabulis sanctum, ne quis unciario fœnore amplius exerceret." Now the uncia being the well-known twelfth part of the Roman as, or pound, and the heavy copper coinage of the old times being still the standard at Rome, unciarium fœnus would be a very natural expression for "interest of an ounce in the pound," that is of a twelfth part of the sum borrowed. Thus at Athens we have τόκος ἐπίτριτος, τόκος ἕκτος, &c. to express respectively "Interest of a third and of a sixth part of the sum borrowed." And as the Greek expressions denote the interest for a year, although interest was in fact paid every month, so the unciarium fœnus in like manner may mean, interest of a twelfth part, or eight and one-third per cent. per annum, although a part of it was at Rome also paid monthly.

[53] See his chapter "über den Unzialzinsfuss," in the third volume of his history, p. 61.

[54] See Böckh, "Staatshaushal-

Niebuhr observes, that from this period forward for sixty years, till the distress which followed the Gaulish invasion, we hear no more of the misery of insolvent debtors.

Obligations arising from the force of certain peculiar words or forms.

A third class of obligations[55], ex contractu, contained all promises or covenants expressed in a certain form of words; and here the Roman law acknowledged such only to be legally binding as were concluded in the form of question and answer. The party with whom the covenant was made asked him who made it, "Dost thou engage to do so and so?" And he answered, "I do engage." It is a curious circumstance, that as the Romans had a peculiar form of sale, mancipatio, which none but Roman citizens might use, so also they had one peculiar word to express an engagement which was binding only on Roman citizens, and lost its force even on them if translated into another language. This favourite word was *spondeo*[56]. A Roman might make a binding covenant with a foreigner in any language which both parties understood; if it were drawn up in Latin, the words promitto, dabo, faciam, or any others to the like effect, retained their natural and reasonable force, and constituted an agreement recognized by law; but if he used the word spondeo, or its supposed equivalent in any other language, the engagement was null and void. This

tung der Athener," Vol. I. p. 143. In Demosthenes' time twelve per cent. at Athens was considered low.

[55] "Obligationes verbis contractæ." Gaius, III. § 92.

[56] Gaius, III. § 93.

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undoubtedly is to be referred to the religious origin of the term; it is clearly connected with σπένδω, and denoted probably an oath taken with the sanction of certain peculiar rites, such as a stranger could not witness without profanation. We may be sure that *spondeo* was a word as peculiar to the patricians originally as it was afterwards to the united Roman people of patricians and commoners: there was a time when it could have been no more used in a covenant with a plebeian, than it was afterwards allowed to be addressed to a Greek or an Egyptian.

II. Obligationes ex delicto. Law of theft and law of libel.

II. The second division of obligations included those which arise from our having wronged our neighbour, the obligation of making good, or making reparation for the injury which we have done. We may injure either the person, or the property, or thirdly, the feelings and character of another. 1. Injuries[57] to the person were divided by the twelve tables into three classes. α. If a limb or any member were irreparably injured, the law ordered retaliation, "eye for eye, tooth for tooth," unless the injured party chose to accept of any other satisfaction. β. If a bone were broken or crushed, the offender was to pay three hundred asses. γ. And all other bodily injuries were compensated by the payment of twenty-five asses. The poverty of the times, says Gaius, made these money penalties seem sufficiently heavy; but twenty-five asses could never have been a very heavy penalty to the majority of the

[57] Gaius, III. § 223.

patricians; and such a law was well calculated to encourage the outrages which Kæso and his associates and imitators were in the habit of committing against the poorer citizens. 2. Injuries[58] against property, on the other hand, were visited severely. A thief in the night[59] might be lawfully slain; or by day[60], if he defended himself with a weapon. If a thief was caught in the fact, he was to be scourged and given over[61], addicebatur, to the man whom he had robbed; and the lawyers doubted whether he was only to be kept in chains by the injured party till he had made restitution, probably fourfold, or whether he was to be his slave for ever. Theft not caught in the fact was punished with twofold restitution[62]. If a man wanted to search a neighbour's house for stolen goods, he was to search naked[63], with only a girdle round his loins, and holding a large dish or platter upon his head with both his hands; and if he found his goods, then the thief was to be punished as one

[58] Gaius, III. § 189.

[59] "Sei nox furtum factum esit, sei im occisit joure caisus esto." Fragm. XII. Tabular. § 10, apud Haubold.

[60] Gaius, ad edictum provinciale, quoted in the Digest, XLVII. De furtis, l. 54, § 2.

[61] Gaius, III. § 189.

[62] Gaius, III. § 190.

[63] Gaius, III. § 192, 193. The notion of this strange law was, that the man who searched, by being naked and having his hands occupied, could not conceal any thing about him, which he might leave secretly in his neighbour's house, and then charge him with theft. It is curious that this extraordinary custom seems to have existed also at Athens. See the following passage from the Clouds of Aristophanes, v. 497, ed. Dindorf.

ΣΩΚΡΑΤΗΣ.—Ἴθι νυν, κατάθου θοἰμάτιον.

ΣΤΡΕΨΙΑΔΗΣ. ἠδίκηκά τι;

ΣΩΚΡ. οὔκ, ἀλλὰ γυμνοὺς εἰσιέναι νομίζεται.

ΣΤΡΕΨ. ἀλλ' οὐχὶ φωράσων ἔγωγ' εἰσέρχομαι.

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caught in the fact. 3. But in no provision of t twelve tables does the aristocratical spirit of th authors appear more manifest, than in the extre severity with which they visited attacks upon cl racter, and in the large extent of their definition a punishable libel. They declared it an offence which [64] a man should be visited with one of th

[64] There have been various opinions as to the precise penalty awarded to libels in the twelve tables. The foundation of our knowledge on this subject is the passage quoted by Augustine, (de Civit. Dei, II. 9,) from the fourth book of Cicero's treatise, De Republicâ. "Duodecim tabulæ cum perpaucas res capite sanxissent, in his hanc quoque sanciendam putaverunt, si quis occentavisset, sive carmen condidisset, quod infamiam faceret flagitiumve alteri." And Augustine, in another place, II. 12, referring to this passage, expresses what he supposed to be its meaning in his own words thus: "Capite plectendum sancientes tale carmen condere si quis auderet." Augustine, living in an age when capital punishments, in our sense of the term, were common, understands Cicero's words as signifying the "punishment of death." But in Cicero's time, when the punishment of death was, so far as Roman citizens were concerned, unknown to the law; the expressions, capite sancire, and res capitalis, generally, as is well known, have a milder meaning, and caput refers to the civil rather than to the natural life of a citizen. Thus Gaius says expressly, "Pœna manifesti furti ex lege XII. tabularum capitalis erat," III. § 189. And then goes on, "*Nam* liber verberi addicebatur ei cui furtum fecer On the other hand, not to insist Horace's line, "Vertere mod formidine fustis," Cornutus, scholiast on Persius, says expr ly, "Lege XII. tabularum c tum est, *ut fustibus feriretur*, publice invehebatur," &c. still there is another question, the military punishment of fustuarium was notoriously of fatal; and it may be that the pression "fusti ferire," inclu even a beating to death. Thus read of Egnatius Metellus, " uxorem fuste percussam int emit," Valer. Max. VI. 3, § where the words fuste percus are, I think, meant to descr the manner of the death, rat than a punishment inflicted p viously to the capital one. A yet fustigatio, in the estimate the later law, was a milder puni ment than flagellatio; and Digest calls it, "fustigationis monitio." See Heineccius, 18, § 7.

If we look to the later law, order to learn what was then punishment of libel, we shall fi that according to Ulpian, (Dig De injur. et famosis libellis, l. § 9,) the libeller was to be int tabilis, that is, he could neit

heaviest punishments, involving a diminutio capitis, if he publicly uttered in word or writing any thing that tended to bring disgrace upon his neighbour. Cicero refers to this law, as proving the existence of something of a literature in the times of the decemvirs; and he contrasts it with the licence enjoyed by the comic poets at Athens. No doubt satirical songs are sufficiently ancient, and these were the literature which the decemvirs dreaded; the coarse jests which were uttered in the Fescennine verses, and which were allowed, as at a kind of Saturnalia, to the soldiers who followed their general in his triumph. But the effect of this law was to make the ancient poetry of Rome merely laudatory; and afterwards, when prose compositions began, they caught the same infection. If the poet Nævius could be persecuted by the powerful family of the Metelli, and obliged to

give evidence in a court of justice, nor make a will. And in the somewhat vague language of the Theodosian code, IX. 34, § 10, libellers are to dread "ultorem suis cervicibus gladium." But "famosi libelli," in the Theodosian code, mean, perhaps, something different from the libellous carmina of the twelve tables.

On the whole it is certain that the punishment of a libeller involved in it a diminutio capitis, and was thus in the Roman sense of the term capital. It may be also that the sentence "ut fusto feriretur," not being limited with the careful humanity of the Jewish law, was, when executed with severity, fatal; and that a man who had thus died under his punishment was considered as jure cæsus. It might thus be truly said, that libels were punished capitally, in the later sense of the term, if the punishment might in fact be made to amount to a sentence of death, at the discretion of those who inflicted it. But the law meant only, that the libeller should be beaten, and incur also a diminutio capitis; and this was sufficiently severe, when we find that the most grievous bodily injuries, although visited by punishment in kind, yet did not involve any forfeiture of civil rights.

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leave Rome, for no severer satire than his famous line, "Fato Romæ fiunt Metelli consules," we may readily understand how little a humble writer, in recording the actions of a great patrician house, would dare to speak of them truly. And hence it has happened that the falsehood of the Roman annals is so deeply rooted, and that there is scarcely an eminent person in the Roman history who is spoken of otherwise than in terms of respect. It may be said that the licence of Athenian comedy spared neither the innocence of Nicias, nor the pure and heroic virtue of Pericles. But has history therefore done justice to their merit? And how different is the value of praise when given, on the one hand, by the free pens of the great historians of Greece, and on the other, by that uniform habit of adulation which saw even in Marius and Sulla more matter for admiration than for abhorrence!

Penal law.

All the offences hitherto enumerated were considered as private rather than public wrongs; and if they were in any case punished capitally, it was rather that the law allowed the injured party to take into his own hands the extremest measure of vengeance, than that the criminal suffered death in consequence of the deliberate sentence of the judge. But some offences were regarded as crimes, or public wrongs in the strictest sense; they were tried either by the people in the comitia of centuries, or by judges, like the quæstores parricidii, specially appointed by the people. Of this sort were parricide,

and probably all murder [65], arson [66], false witness [67], injuring a neighbour's corn by night [68], witchcraft [69], and treason [70]. The punishment for these crimes was death, either by beheading, hanging, throwing the criminal from the Tarpeian rock, or in some cases by burning alive. This last mode of execution was adjudged by the twelve tables to the crime of arson: but a memorial has been preserved by the lawyers, confirmatory of the story already mentioned of the execution of the nine adversaries of the consul T. Sicinius, that there was a time when burning alive was the punishment of enemies and deserters [71]. The

[65] Every one knows the famous punishment of the parricide, that he should be scourged, then sewn up in a sack, in company with a dog, a viper, and a monkey, and thrown into the sea. But it is not certain that this was a law of the twelve tables. Cicero mentions only the sewing up of the parricide in the sack, and throwing him into the river. And he merely says, "Majores nostri supplicium in parricidas singulare excogitaverunt," pro Roscio Amerino, 25. It may have been a traditional punishment, older than even the twelve tables. So again nothing is known of the law of the twelve tables respecting murder. Pliny only says that the turning cattle into a neighbour's corn by night was punished by the twelve tables more severely than murder; insomuch as the offender was hanged up as devoted to Ceres, and so put to death. Histor. Natur. XVIII. 3. Of course murder was punished, and probably with death; but the criminal was beheaded, we may suppose, and this would be considered as a less punishment than hanging.

[66] Gaius, IV. ad Leg. XII. Tabularum apud Digest, XLVII. Tit. IX. § 9. De incendio, ruinâ, naufragio.

[67] Aulus Gellius, XX. 1.

[68] Pliny, Hist. Natur. XVIII. 3.

[69] Pliny, Hist. Natur. XXVIII. 2.

[70] Digest. XLVIII. Tit. VI. § 2. Ad Legem Juliam Majestatis.

[71] Digest. XLVIII. Tit. XIX. De pœnis, l. 8, § 2. Hostes autem item transfugæ eâ pœnâ afficiuntur, ut vivi exurantur. Godefroy remarks that we never read of enemies being so punished, and some have proposed to read "hostes," *i.e.* "transfugæ," as if deserters alone were intended. I believe that the common reading is right, but that it relates, as I have observed, to the Romans who were declared enemies of their country. That a foreign enemy, however, might be sometimes so treated, is not impossible, as is shown by the story of Cyrus' treatment of Crœsus.

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"enemies" here meant could not have been merely foreigners taken in war, for their punishment could have found no place in the civil or domestic law of Rome; they must rather have been those Roman traitors, who, according to a form preserved till the latest period of the Commonwealth, were solemnly declared to be enemies of their country.

Law of bail.

When we read of capital punishments denounced by the Roman law, and yet hear of the worst criminals remaining at liberty till the very end of their trial, and being allowed to escape their sentence by going into voluntary banishment, we are inclined to ask whether the law meant to threaten merely, and never to strike an offender. Niebuhr has explained this seeming contradiction with his usual sagacity; it will be enough to say here, that although the Roman law, like the old law of England, did not refuse bail for a man accused of treason and felony [72], yet it was by no means a matter of course that it should be granted; and ordinary criminals, at least in these early times, were in the regular course of

[72] "By the ancient common law all felonies were bailable." Blackstone, Vol. IV. p. 298. The statute law has greatly restricted this power, so far at least as justices of the peace are concerned; for "the Court of King's Bench may bail for any crime whatsoever, be it treason, murder, or any other offence." Blackstone, IV. p. 299. This last doctrine, however, was contested by Junius in his famous letter to Lord Mansfield, in which he contends, agreeably to the notion of the Greek and Roman law, that no power could bail a thief taken with the manner, that is, with the thing stolen upon him. In cases of crimes committed by persons of high birth, like Kæso Quinctius, the being allowed to offer bail was a means of evading justice; and so it was found to be in England, before parliament interfered to amend the common law. But humble and ordinary criminals would not equally be allowed to profit by it.

things committed to prison to abide their trial, nearly with as much certainty as in England.

CONSTITUTIONAL LAW.

And now we come to the constitutional law of the twelve tables, a subject almost of greater interest than the common law, but one involved in much greater obscurity. Four or five enactments alone have been preserved to us: 1. That there should be an appeal to the people[73] from the sentence of every magistrate. 2. That all capital trials[74] should be conducted before the comitia of the centuries. 3. That privilegia[75] or acts of pain and penalties against an individual should be unlawful. 4. That the last decision[76] of the people should supersede all former decisions on the same subject. 5. That the debtor whose person and property were pledged to his creditor, nexus[77], and he who remained the free master of both, solutus, should be equal in the sight of the law; that is, that the nexus should not be considered to be infamis. And the same legal equality is given also to the fortis and the sanas[78];

[73] Cicero, de Republicâ, II. 31.
[74] Cicero, de Legibus, III. 19.
[75] Cicero, de Legibus, III. 19.
[76] Livy, VII. 17; IX. 34.
[77] See Festus in "Sanates."—But it is right to say that the sentence has been conjecturally restored by Scaliger, all the words actually remaining in the MS. being these, which I have printed in the Roman character:

in xii nexo *solutoque*
forti sanatique *idem jus esto.*

The words in Italics which complete the lines were supplied by Scaliger. It has already been mentioned, Chap. XIII. note 39, that the only existing MS. of Festus has suffered from a fire, by which half of many of the pages has been burnt away vertically from top to bottom, so that every line is left mutilated.

[78] Our whole knowledge of this enactment is derived from the mutilated article in Festus, on the word "Sanates." The epitome of Paulus gives a foolish etymology, and says that the Sanates were people dwelling above and below Rome, who first revolted, but soon afterwards returned to their duty,

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terms which were merely guessed at in the Augustan age, and which it is hopeless to attempt to understand now. A sixth enactment is expressly ascribed to the last two tables, which Cicero describes as full of unequal laws [79], namely, that between the burghers and the commons there should be no legal marriages; if a burgher married the daughter of a plebeian, his children followed their mother's condition, and were not subject to their father, nor could inherit from him if he died intestate.

The constitutional changes effected by the decemvirs were probably not contained in the twelve tables.

With no further knowledge than of these mere fragments, we can judge but little of the tenor of the whole law; but yet, if we had the entire text of the twelve tables before us, we should probably find in them [80] no direct mention of the great

and were called "Sanates:" "quasi sanatâ mente." And the "Fortes," according to Paulus, were "boni qui nunquam defecerant a populo Romano." This is all improbable enough; but Niebuhr says that the terms sanas and fortis must probably be understood either of bondmen and freemen, or of those who had hitherto been vassals in the ancient colonial towns, and the colonists. It is impossible, in the present state of our knowledge, to give any thing more certain on the subject.

[79] Cicero, de Republicâ, II. 37.

[80] The twelve tables were extant down to the latest age of Roman literature, and their contents were familiarly known. Had they contained therefore many regulations of a constituent cast, such for instance as related to the powers of the several orders in the state, to the enrolment of the burghers and their clients in the tribes, the Roman writers could not possibly have showed such great ignorance of the early state of their constitution as they have done actually. On one point, however, on which the twelve tables appear to have spoken expressly, the practice and the law in after-times may seem to have been at variance. I allude to the famous provision. "De capite civis nisi per maximum comitiatum ne ferunto," a provision which appears to make the centuries the sole criminal court, and to require that every ordinary felon should be tried before them; which we know was not the case, and would have been in fact absurd and impossible. But, in the first place, the institution of the judices selecti, in later times, was intended to be a sort of representation of the whole people for judicial purposes; so that a con-

constitutional changes which the decemvirs are with reason supposed to have effected. Their code of laws was the expression of their legislative, rather than of their constituent power; it contained the rules hereafter to be observed by the Roman people, but would not notice those previous organic changes by which the very composition, so to speak, of the people itself was so greatly altered.

They were effected by virtue of their censorian power.

These changes were wrought by virtue of that particular branch of their sovereign power which was afterwards perpetuated in the censorship. When we find the censor Q. Maximus[81] annihilating at

demnation by these judges was final, and could not be appealed against, like the sentence of a magistrate (Cicero, Philipp. I. c. 9). And, again, there was taken out of the jurisdiction of the centuries all those cases of flagrant and evident guilt which, according to the Roman notions, needed no trial at all. The difference in the penalty affixed to the crimes of furtum manifestum and nec manifestum, is very remarkable: in the former case the thief was scourged and given over, addictus, to the party whom he had injured; in the latter case he had only to restore twofold. So the man who attacked his neighbour in satirical songs, the murderer caught "red hand," the incendiary detected in setting fire to his neighbour's house or corn, would, like the fur manifestus, be hurried off at once to condign punishment, and all trial would be held unnecessary. And the same summary justice would be dealt to the false witness and to the rioter. It is probable, also, that the magistrates, using that large discretion which the practice of Rome gave them, would punish summarily crimes as to which the guilt of the accused was perfectly clear, even though he might not have been caught in the fact. When it is further remembered, that slaves and strangers were wholly subject to the magistrates' jurisdiction, and that there are states of society in which crimes of a serious description are extremely rare, it may be conceived that the criminal business of the centuries would not be very engrossing.

However, if M. Manlius was, as Niebuhr thinks, tried and condemned by the comitia of curiæ, and not by the centuries, it would have been a direct violation of the law of the twelve tables. But the story of Manlius, as we shall see hereafter, is too uncertain to be argued upon; and it will not perhaps be found necessary to suppose that he was really sentenced by the curiæ.

[81] Livy, IX. 46.

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once the political influence of a great portion of the people, by confining all freedmen to four tribes only; when we read of another censor, M. Livius[82], disfranchising the whole Roman people with the exception of one single tribe, an exercise of power so extravagant indeed as to destroy itself, yet still, so far as appears, perfectly legal, we can scarcely understand how any liberty could be consistent with such an extraordinary prerogative vested in the magistrate. But if common censors in ordinary times possessed such authority, much more would it be enjoyed by the decemviri. They therefore altered the organization of the Roman people at their discretion; the clients of the burghers, and even the burghers themselves, were enrolled in the tribes; and the list of citizens was probably increased by the addition of a great number of freedmen, and of the inhabitants of the oldest Roman colonies, mostly the remains of the times of the Monarchy. But whether it was at this time that the comitia of centuries assumed that form in which alone they existed in the historical period of Rome, whether the tribes were now introduced to vote on the field of Mars as well as in the forum, is a question not to be answered. We may be more sure that whilst the patricians were admitted into the tribes of the commons, they still retained their own comitia of curiæ, and their power of confirming the election of every magistrate by conferring on him the imperium, and of voting upon every law which had been passed by the tribes or centuries.

[82] Livy, XXIX. 37.

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Conjectures of Niebuhr as to the permanency of the decemvirate.

But Niebuhr has further conjectured that the decemvirs were intended to be a perpetual magistracy, like the archons at Athens in their original constitution; that the powers afterwards divided amongst the military tribunes, the censors, and the quæstores parricidii were to be united in a college of ten officers, chosen half from the patricians, and half from the plebeians, and to remain in office for five years. And as the plebeians were thus admitted to an equal share in the government, the tribunitian power, intended specially to protect them from the oppression of the government, was no longer needed, and therefore, as Niebuhr supposes, the tribuneship was not to exist in the future constitution.

Niebuhr's conjectures in Roman history are almost like a divination, and must never be passed over without notice. But as the decemvirate, whether intended to be temporary or perpetual, was so soon overthrown, it does not seem necessary to enter further into the question; and the common story appears to me to contain in it nothing improbable. Its details doubtless are traditional, and are full of the variations of traditional accounts; still they are not like the mere poetical stories of Cincinnatus or Coriolanus, and therefore I shall proceed to give the account of the second decemvirate, of the tyranny of Appius and the death of Virginia, not as giving full credit to every circumstance, but as considering it, to use the language of Thucydides, as being in the main sufficiently deserving of belief.

CHAPTER XV.

THE SECOND DECEMVIRATE—STORY OF VIRGINIA—REVOLUTION OF 305.

Μάλιστα εὐλαβεῖσθαι δεῖ τοὺς ὑβρίζεσθαι νομίζοντας, ἢ αὐτούς, ἢ ὧν κηδόμενοι τυγχάνουσιν· ἀφειδῶς γὰρ ἑαυτῶν ἔχουσιν οἱ διὰ θυμὸν ἐπιχειροῦντες.—ARISTOTLE, Politica, V. 11.

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Decemvirs are elected for a second year. Appius Claudius.

THE first decemvirs, according to the general tradition [1] of the Roman annalist, governed uprightly and well, and their laws of the ten tables were just and good. All parties were so well pleased, that it was resolved to continue the same government at least for another year; the more so as some of the decemvirs declared that their work was not yet complete, and that two tables still required to be added. And now the most eminent of the patricians [2], L. Quinctius Cincinnatus, T. Quinctius Capitolinus, and C. Claudius, became candidates for the decemvirate; but the commons had little reason to place confidence in any of them, and might well be afraid to trust unlimited power in their hands. Appius Claudius, on the contrary, had been tried, and had been found

[1] Livy, III. 33, 34.

[2] Livy, III. 35.

seemingly trustworthy: he and his colleagues had used their power moderately, and had done their duty as lawgivers impartially; and such men were more to be trusted than the well-known supporters of the old ascendancy of the burghers. Appius availed himself of this feeling, and exerted himself strenuously to procure his re-election. But his colleagues now becoming jealous of him, contrived [3] that he should himself preside at the comitia for the election of the new decemvirs; it being considered one of the duties of the officer who presided at, or, in Roman language, who held the comitia, to prevent the re-election of the same man to the same office two successive years, by refusing to receive votes in his favour if offered: and most of all would he be expected to prevent it, when the man to be re-elected was himself. But the people might remember, that within the last few years they had owed to the repeated re-election of the same tribunes some of their greatest privileges; and that then as now the patricians had earnestly endeavoured to prevent it. They therefore elected Appius Claudius to the decemvirate for the second time, and passing over all his former colleagues, and all the high aristocratical candidates, they elected with him four patricians, and, as Niebuhr thinks, five plebeians. The patricians [4] were M. Cornelius Maluginensis, whose brother had been consul nine years before; M. Sergius, of whom nothing is known; L.

[3] Livy, III. 35.

[4] Livy, III. 35. Dionysius, X. 58.

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r ty- y. Experience has shown that even popular leaders when entrusted with absolute power have often abused it to the purposes of their own tyranny, yet these have commonly remained so far true to their old principles as zealously to abate the mischiefs of aristocracy; and thus they have done scarcely less good in destroying what was evil, than evil in withholding what was good. But to give absolute power to an aristocratical leader is an evil altogether un-

[5] A vestal virgin of the name of Oppia is mentioned in the annals of the year 271, (Livy, II. 42,) and she must have been a patrician. Nor is it improbable that there was, in the times of the decemviri, a patrician as well as a plebeian family of Duilii, just as there were patrician and plebeian Sicinii. And the same may be said of the Pœtelii, Antonii, and Rabuleii; and the patrician branches of these families may have become extinct long before the time when their names became famous in history. Livy seems to have regarded the decemviri as all patricians; and if their names had presented a manifest proof of the contrary, he surely must have been aware of it, the more so as the plebeian Duilius acts an important part in his narrative of this very period.

mixed. An aristocracy is so essentially the strongest part of society, that a despot is always tempted to court its favour; and if he is bound to it by old connexions, and has always fought in its cause, this tendency becomes irresistible. So it was with Appius: the instant that he had secured his election, he reconciled himself with his old party[6], and laboured to convince the patricians, that not their own favourite candidates, the Quinctii, or his own kinsman, C. Claudius, could have served their cause more effectually than himself. Accordingly the decemvirate rested entirely on the support of the patricians. The associations or clubs[7], Kæso's old accomplices, were the tools and sharers of the tyranny: even the better patricians forgave the excesses[8] of their party for joy at its restored ascendancy; the consulship, instead of being controlled, as the commons had fondly hoped, by fresh restraints, was released even from those which had formerly held it; instead of two consuls, there were now ten, and these no longer shackled by the Valerian law, nor kept in check by the tribuneship, but absolute with more than the old kingly sovereignty. Now indeed, said the patricians, the expulsion of the Tarquins was a real gain; hitherto it had been purchased by some painful con-

[6] Livy, III. 36. Aliquandiu æquatus inter omnes terror fuit; paullatim totus vertere in plebem cœpit. Abstinebatur a patribus, in humiliores libidinose crudeliterque consulebatur.

[7] Patriciis juvenibus sepserant latera, eorum catervæ tribunalia obsederant. Livy, III. 37. Ἑταιρείαν ἕκαστοι συνῆγον, ἐπιλεγόμενοι τοὺς θρασυτάτους τῶν νέων καὶ σφίσιν αὐτοῖς ἐπιτηδειοτάτους. Dionysius, X. 60.

[8] Primores Patrum—nec probare quæ fierent, et credere haud indignis accidere; avide ruendo ad libertatem in servitutem elapsos juvare nolle. Livy, III. 37.

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descensions to the plebeians, and the growing importance of those half aliens had impaired the majesty of what was truly Rome. But this was at an end; and by a just judgment upon their insolence, the very revolution which they had desired was become their chastisement; and the decemvirate, which had been designed to level all the rights of the patricians, was become the instrument of restoring to them their lawful ascendancy.

They add two tables to complete the code of the twelve tables.

The decemvirate seems indeed to have exhibited the perfect model of an aristocratical royalty[9], vested not in one person, but in several; held not for life, but for a single year, and therefore not confined to one single family of the aristocracy, but fairly shared by the whole order. Towards the commons, however, the decemvirs were in all respects ten kings. Each was attended by his twelve lictors, who carried not the rods only, but the axe[10], the well-known symbol of sovereignty. The colleges of ordinary magistrates were restrained by the general maxim of Roman law, "melior est conditio prohibentis," which gave to each member of the college a negative upon the act of his colleagues. But the decemvirs bound themselves by oath[11] each to respect his colleagues' majesty; what one decemvir did, none of the rest might do. Then followed all the ordinary outrages of the ancient

[9] Decem regum species erat. Livy, III. 36.

[10] Cum fascibus secures illigatas præferebant. Livy, III. 36.

[11] Intercessionem consensu sustulerant, is Livy's expression, III. 36. Dionysius adds, ὅρκια τεμόντες ἀπόῤῥητα τῷ πλήθει, X. 59. These oaths resembled those which were sometimes taken by the ruling members of the Greek oligarchies: καὶ τῷ δήμῳ κακόνους ἔσομαι, καὶ βουλεύσω ὅ τι ἂν ἔχω κακόν. Aristotle, Politica, V. 9.

aristocracies and tyrannies; insult, oppression, plunder, blood; and, worst of all, the licence of the patrician youth was let loose without restraint upon the wives and daughters of the plebeians [12]. Meanwhile the legislation of the decemvirs was to complete the triumph of their party. The two tables which they added to the former ten are described by Cicero as containing "unequal laws;" the prohibition of marriages between the patricians and plebeians is expressly said to have been amongst the number. Not that we can suppose that such marriages had been hitherto legal, that is to say, they were not connubia: and therefore if a patrician, as I have said, married the daughter of a plebeian, his children became plebeians. Still they were common in fact; and as the object of the first appointment of the decemvirs was in part to unite the two orders into one people, so it was expected that they would henceforth be made legal. It was therefore like the loss of an actual right, when the decemvirs, instead of legalizing these marriages, enacted a positive law to denounce them, as if they intended for the future actually to prohibit them altogether.

They resolve to retain their power after the end of the year.

So passed the second year of the decemvirate. But as it drew near to its close, the decemvirs showed no purpose of resigning their offices, or of appointing successors. Whether it was really a usurpation, or whether they had been elected for more than a single year [13], may be doubtful; but it is con-

[12] Dionysius, XI. 2.

[13] Niebuhr considers it as certain that the decemvirs were appointed for a longer period than

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ceivable that even in the former case the great body of the patricians, however personally disappointed, should have supported the decemvirs as upholding the ascendancy of their order, rather than incur the danger of reviving the power of the plebeians. At any rate, the government of the decemvirs seemed firmly established; and the outrages of themselves and their party became continually more and more intolerable, so that numbers of the people are said to have fled from Rome [14], and sought a refuge amongst their allies the Latins and Hernicans.

The Sabines and Æquians invade the Roman territory.

In this state of things, the foreign enemies of Rome proved again her best friends. Since the year 297 external wars seem to have been suspended, partly perhaps from the wasting effects of the great plague on the neighbouring nations, partly because the Romans themselves were engrossed with their own affairs at home. But now we hear of an invasion both from the Sabines and the Æquians; the former assembled their forces at Eretum [15], and from thence

a year. Vol. II. p. 328. Eng. Transl. Otherwise, he says, they would not have been required to resign their power, but interreges would immediately on the expiration of their office have stepped into their place. This however does not seem to follow. In peaceable times, Appius Claudius the Blind held his censorship beyond the legal term of eighteen months in defiance of the Æmilian law, and it does not appear that the tribunes or any other power could actually turn him out of his office; he was only threatened with imprisonment if he did not resign. Livy, IX. 34. To deprive a magistrate of his office, "abrogare magistratum," was accounted a most violent measure; it was to be resigned, and not wrested from him by any other power. The senate ejected Cinna from the consulship; but Paterculus remarks on the act, that "hæc injuria homine quam exemplo dignior fuit." They were not disposed to proceed to such an extremity against the decemvirs.

[14] Dionysius, XI. 2.

[15] Dionysius, XI. 3. Livy, III. 38.

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ravaged the lands along the left bank of the Tiber: the latter encamped as usual on Algidus, and plundered the territory of Tusculum, which lay immediately below them. Then the decemvirs called together the senate, which hitherto it is said they had on no occasion thought proper to consult. The high aristocratical party, headed by the Quinctii[16] and C. Claudius, showed symptoms of discontent with the decemvirs for still retaining their power; L. Valerius Potitus and M. Horatius Barbatus[17] were celebrated by posterity for following a more decided course, and upholding the general liberty of the Roman people. But the majority of the senate supported the decemvirs, and the citizens were called upon to enlist against the common enemy[18]. One army commanded by three of the decemvirs was led out to oppose the Sabines at Eretum; another marched towards Algidus to protect the Tusculans; Appius Claudius with one of his colleagues, Sp. Oppius, remained in Rome to provide for the safety of the city.

The Roman armies are beaten.

Both armies, however, were unsuccessful; and both, after having been beaten by the enemy, fled, the one to Tusculum, the other to the neighbourhood of Fidenæ[19], within the Roman territory. Here they remained, or here at least the story leaves them, till the tidings of the last outrage of the decemvirs' tyranny aroused them, and showed them plainly that

[16] Dionysius, XI. 15.
[17] Livy, III. 39.
[18] Livy, III. 41.
[19] Livy, III. 42.

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the worst enemies of their country were within the walls of Rome.

STORY OF VIRGINIA. Claudius, a client of Appius Claudius, claims Virginia as his slave.

Appius Claudius[20] had stayed behind from the war to take care of the city. He saw a beautiful maiden, named Virginia, the daughter of L. Virginius[21], who was now serving as a centurion in the army sent against the Æquians; and her father had betrothed her to L. Icilius, who had been tribune some time since, and had carried the famous law for assigning out the Aventine to the commons. One day, as the maiden, attended by her nurse, was going to the forum to school (for the schools were then kept in booths or stalls round the market-place), Marcus Claudius, a client of Appius, laid hands on her, and claimed her as his slave. Her nurse cried out for help, and a crowd gathered round her, and when they heard who was her father, and to whom she was betrothed, they were the more earnest to defend her from wrong. But M. Claudius said that he meant no violence, he would try his right at law, and he summoned the maiden before the judgment-seat of Appius. So they went before the decemvir, and then Claudius said that the maiden's real mother had been his slave; and that the wife of Virginius, having no children, had gotten this child from its mother, and had presented it to Virginius as her own. This he would prove to Virginius himself as soon as he should return to Rome; meanwhile it was just and

[20] Livy, III. 44, et seqq.
[21] Cicero calls him Decimus Virginius. De Republicâ, II. 37.

reasonable that the master should in the interval keep possession of his slave. The friends of the maiden answered, that her father was now absent in the Commonwealth's service; they would send him word, and within two days he would be in Rome. "Let the cause," they said, "wait only so long. The law declares expressly, that in all cases like this every one shall be considered free till he be proved a slave. Therefore the maiden ought to be left with her friends till the day of trial. Put not her fair fame in peril by giving up a free-born maiden into the hands of a man whom she knows not." But Appius said, "Truly, I know the law of which you speak, and I hold it just and good, for it was I myself who enacted it. But this maiden[22] cannot in any case be free; she belongs either to her father or to her master. Now as her father is not here, who but her master can have any title to her? Wherefore let M. Claudius keep her till L. Virginius come, and let him give sureties that he will bring her forth before my judgment-seat when the cause shall be tried between them." But then there came forward the maiden's uncle, P. Numitorius, and Icilius to whom she was betrothed; and they spoke so loudly against the sentence, that the multitude began to be roused, and Appius feared a tumult. So he said, that for the sake of L. Virginius, and of the rights of fathers over their children, he would let the cause wait till the next day; "but then," he said, "if Vir-

[22] In ea quæ in patris manu sit, possessione cedat. Livy, III. 45. neminem esse alium cui dominus

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ginius does not appear, I tell Icilius and his fellows, that I will support the laws which I have made, and their violence shall not prevail over justice." Thus the maiden was saved for the time, and her friends sent off in haste to her father, to bid him come with all speed to Rome; and they gave security to Claudius, that she should appear before Appius the next day, and then they took her home in safety.

Virginius comes to Rome from the army.

The messenger[23] reached the camp that same evening, and Virginius obtained leave of absence on the instant, and set out for Rome at the first watch of the night. Appius had sent off also to his colleagues, praying them not to let Virginius go: but his message came too late.

Judgment of Appius, awarding possession of Virginia to her pretended master. Virginius kills his daughter.

Early in the morning Virginius[24], in mean attire, like a suppliant, led his daughter down to the forum; and some Roman matrons, and a great company of friends, went with him. He appealed to all the people for their aid; "for this," said he, "is not my cause only, but the cause of all." So also spoke Icilius; and the mothers who followed Virginius stood and wept, and their tears moved the people even more than his words. But Appius heeded nothing but his own wicked passion; and before Claudius had done speaking, without suffering Virginius to reply, he hastened to give the sentence. That sentence adjudged the maiden to be considered as a slave till she should be proved to be free-born; and awarded the possession of her in the meanwhile to her master

[23] Livy, III. 46. [24] Livy, III. 47, et seqq.

Claudius. Men could scarcely believe that they heard aright, when this monstrous defiance of all law, natural and civil, was uttered by the very man who had himself enacted the contrary. But when Claudius went to lay hold on the maiden, then the women who stood around her wept aloud, and her friends gathered round her, and kept him off; and Virginius threatened the decemvir, that he would not tamely endure so great a wrong. Appius, however, had brought down a band of armed patricians with him; and, strong in their support, he ordered his lictors to make the crowd give way. Then the maiden was left alone before his judgment-seat, till her father, seeing there was no other remedy, prayed to Appius that he might speak but one word with her nurse in the maiden's hearing, and might learn whether she were really his child or no. "If I am indeed not her father, I shall bear her loss the lighter." Leave was given him, and he drew them both aside with him to a spot called afterwards the "new booths," for tradition kept the place in memory, and there he snatched a knife from a butcher, and said, "This is the only way, my child, to keep thee free," and plunged it in his daughter's heart. Then turning to Appius, "On thee, and on thy head," he cried, "be the curse of this blood!" In vain did Appius call out to seize him: he forced his way through the multitude, and still holding the bloody knife in his hand, he made for the gates, and hastened out of the city, and rode to the camp by Tusculum.

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Tumult in the city: the decemvirs are driven from the forum.

The rest may be told more briefly. Icilius[25] and Numitorius held up the maiden's body to the people, and bade them see the bloody work of the decemvir's passion. A tumult arose, and the people gathered in such strength, that the patrician friends of their cause, L. Valerius and M. Horatius, thought that the time for action was come, and put themselves at the head of the multitude. Appius and his lictors, and his patrician satellites, were overborne by force, and Appius fearing for his life, covered his face with his robe, and fled into a house that was hard by. In vain did his colleague, Oppius, hasten to the forum to support him; he found the people already triumphant, and had nothing else to do but to call together the senate. The senators met, with little feeling for the decemvirs, but with an extreme dread of a new secession of the commons, and a restoration of the sacred laws, and of the hated tribuneship.

The army on Algidus marches to Rome and occupies the Aventine.

The secession, however, could not be prevented. Virginius[26] had arrived at the camp, followed by a multitude of citizens in their ordinary dress. His bloody knife, the blood on his own face and body, and the strange sight of so many unarmed citizens in the midst of the camp, instantly drew a crowd about him: he told his story, and called on his fellow-soldiers to avenge him. One common feeling possessed them all: they called to arms, pulled up their standards, and began to march to Rome. The authority of the decemvirs was wholly at an end; the

[25] Livy, III. 48, 49.

[26] Livy, III. 50.

army entered the city; as they passed along the streets they called upon the commons to assert their liberties and create their tribunes; they then ascended the Aventine, and there, in their own proper home and city, they established themselves in arms. When deputies from the senate were sent to ask them what they wanted, the soldiers shouted that they would give no answer to any one but to L. Valerius and M. Horatius. Meanwhile Virginius persuaded them to elect ten tribunes to act as their leaders: and accordingly ten were created, who took the name of tribunes of the soldiers, but designed to change it ere long for that of tribunes of the commons. CHAP. XV.

The army from Fidenæ joins it.

The army near Fidenæ was also in motion[27]. Icilius and Numitorius had excited it by going to the camp and spreading the story of the miserable fate of Virginia. The soldiers rose, put aside the decemvirs who commanded them, and were ready to follow Icilius. He advised them to create ten tribunes, as had been done by the other army; and this having been effected, they marched to Rome, and joined their brethren on the Aventine. The twenty tribunes then deputed two of their number to act for the rest, and waited awhile for the message of the senate.

Both armies followed by the mass of the people retire to the Sacred Hill.

Delays, however, were interposed by the jealousy of the patricians. Had the senate chosen, it might, no doubt, in the fulness of its power, have deposed the decemvirs, whether their term of office was ex-

[27] Livy, III. 51.

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pired or no; as, long afterwards, it declared all the laws of M. Drusus to be null and void, and by its mere decree took away from L. Cinna his consulship, and caused another to be appointed in his room. But the patricians were unwilling to violate the majesty of the imperium merely to give a triumph to the plebeians; and the decemvirs, encouraged by this feeling, refused themselves to resign. The commons, however, were thoroughly in earnest; and finding that nothing was done to satisfy them, they quitted the Aventine [28], on the suggestion of M. Duilius, not however, we may presume, without leaving it guarded by a sufficient garrison, marched in military array through the city, passed out of it by the Colline gate, and established themselves once more on the Sacred Hill. Men, women, and children, all of the plebeians who could find any means to follow them, left Rome also and joined their countrymen. Again the dissolution of the Roman nation was threatened; again the patricians, their clients, and their slaves, were on the point of becoming the whole Roman people.

The decemvirs resign, and the commons return to Rome.

Then the patricians yielded, and the decemvirs agreed to resign [29]. Valerius and Horatius went to the Sacred Hill, and listened to the demands of the commons. These were, the restoration of the tribuneship and of the right of appeal, together with a full indemnity for the authors and instigators of the secession. All this the deputies acknowledged should have been granted even without the asking; but there

[28] Livy, III. 52. [29] Livy, III. 52, 53.

was one demand of a fiercer sort. "These decemvirs," said Icilius in the name of the commons, "are public enemies, and we will have them die the death of such. Give them up to us, that they may be burnt with fire." The friends of the commons had met this fate within the memory of men still living, and certainly not for greater crimes: but a people, if violent, is seldom unrelenting; twenty-four hours brought the Athenians to repent of their cruel decree against the Mytilenæans; and a few words from Valerius and Horatius, men whom they could fully trust, made the Roman commons forego their thirst for sudden and extraordinary vengeance. The demand for the blood of the decemvirs was withdrawn: so the senate acceded to all that was required: the decemvirs solemnly resigned their power, and the commons returned to Rome. They occupied the Aventine, as before [30], and thither the pontifex maximus was sent by the senate to hold the comitia for the election of the tribunes: but they occupied more than the Aventine; they required some security that the terms of the peace should be duly kept with them; and accordingly now, as in the disputes about the Publilian law, they were allowed also to take possession of the Capitol [31].

Election of tribunes and of consuls.

In the comitia on the Aventine ten tribunes of the commons were elected, amongst whom were Virginius, Icilius, Numitorius, C. Sicinius, a descendant of one of the original tribunes created on the

[30] Livy, III. 54.

[31] Cicero pro Cornelio, I. Fragment.

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Sacred Hill, and M. Duilius. Then the commons were assembled on the spot afterwards called the Flaminian Meadows [32], outside of the Porta Carmentalis, and just below the Capitol; and there L. Icilius proposed to them the solemn ratification of the indemnity for the secession already agreed to by the senate. The consent of the commons was necessary to give it the force of a law; and so in like manner Duilius proposed to the commons that they should accept another measure already sanctioned by the patricians, the election of two supreme magistrates in the place of the decemvirs, with the right of appeal from their sentence. It is remarkable that now, for the first time, these magistrates were called consuls [33], their old title up to this period having been prætors or captains-general. Consul signifies merely "colleague," one who acts with others; it does not nècessarily imply that he should be one of two only, and therefore the name is not equivalent to duumvir. And its indefiniteness seems to confirm Niebuhr's opinion, that the exact number of these supreme magistrates was not yet fully agreed upon, and that the appointment of two only in the present instance, was merely a provisional imitation of the old prætorship, till the future form of the constitution should be finally settled. Thus, as the commons had recovered their tribunes, so the patricians had again their two magistrates with the imperium of the former

[32] Livy, III. 64.

[33] Zonaras, VII. 19. It may be observed, that the two supreme magistrates in the municipia and colonies of a later period, whose office was analogous to that of the consuls at Rome, were called duumviri.

prætors, limited as that of the prætors had been by the right of appeal; but the final adjustment of the relations of the two orders to each other, was reserved for after discussion. Be that as it may, the form of the old government was once again restored, and two patrician magistrates were elected with supreme power; but an important change was established, that these two were both freely chosen by the centuries, whereas one had hitherto been appointed by the burghers in their curiæ, and had only been approved by the centuries afterwards.

The result of the election sufficiently showed that it was a free one. The new magistrates, the first two consuls, properly speaking, of Roman history, were L. Valerius and M. Horatius; and the executive government, for the first time since the days of Brutus and Poplicola, was wholly in the hands of men devoted to the rights of their country rather than to the ascendancy of their order.

CHAPTER XVI.

INTERNAL HISTORY—CONSTITUTION OF THE YEAR 306—VALERIAN LAWS, AND TRIALS OF THE DECEMVIRS—REACTION IN FAVOUR OF THE PATRICIANS—CANULEIAN LAW—CONSTITUTION OF 312—COUNTER-REVOLUTION.

"The seven years that followed are a revolutionary period, the events of which we do not find satisfactorily explained by the historians of the time."—HALLAM, Middle Ages, Vol. II. p. 458.

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Obscurity of the history of this period.

WE read in Livy and Dionysius an account of the affairs of Rome from the beginning of the Commonwealth, drawn up in the form of annals: political questions, military operations, what was said in the senate and the forum, what was done in battle against the Æquians and Volscians, all is related with the full details of contemporary history. It is not wonderful that appearances so imposing should have deceived many; that the Roman history should have been regarded as a subject which might be easily and completely mastered. But if we press on any part this show of knowledge, it yields before us, and comes to nothing. No where is this more mani-

fest than in the story of the period immediately subsequent to the decemvirate. What is related of these times is indistinct, meagre, and scarcely intelligible; but scattered fragments of information have been preserved along with it, which, when carefully studied, enable us to restore the outline of very important events; and these, when thus brought forward to the light, afford us the means of correcting or completing what may be called the mere surface view contained in the common narrative. The lines hitherto invisible being so made conspicuous, a totally different figure is presented to us; its proportions and character are all altered, and we find that without this discovery, while we fancied ourselves in possession of the true resemblance, we should in fact have been mistaking the unequal pillars of the ruin for the original form of the perfect building.

Constitution of the year 306.

The common narrative of the overthrow of the decemvirs omitted, as we have seen, the important fact that the commons in that revolution occupied the Capitol. It mentions[1] however, that the two popular leaders, Valerius and Horatius, were appointed the two chief magistrates of the Commonwealth, and that they passed several laws for the better confirmation of the public liberty, without experiencing any open opposition on the part of the patricians. In fact the popular cause was so triumphant, that all, and more than all, of the objects of the Terentilian law were now effected; and a new constitution was

[1] Livy, III. 55. Dionysius, XI. 45.

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formed, by which it was attempted at once to unite the two orders of the state more closely together, and to set them on a footing of entire equality.

The Valerian laws.

In the first place the old laws for the security of personal liberty were confirmed afresh, and received a stronger sanction. Whoever while presiding at the comitia[2] should allow the election of any magistrate with no right of appeal from his sentences, should be outlawed, and might be killed by any one with impunity. This was the law proposed and passed by Valerius: but even this, as we shall see presently, did not content the commons; they required and carried a still stronger measure. A second Valerian law[3] formally acknowledged the commons of Rome to be the Roman people; a plebiscitum, or decree of the commons, was to be binding on the whole people; so it is expressed in the annalists: but Niebuhr supposes that there was a restriction on this power of which the annalists were ignorant; namely, that the plebiscitum should have first received the sanction of the senate, and of the assembly of the curiæ. It is indeed certain that the assembly of the tribes was not made the sole legislative authority in the Commonwealth; what was intended seems to have been nothing more than to recognize its national character;

[2] Livy, III. 55.

[3] Quod tributim plebes jussisset populum teneret. Livy, III. 55. Dionysius describes this law correctly. He calls it *νόμον κελεύοντα τοὺς ὑπὸ τοῦ δήμου τεθέντας ἐν ταῖς φυλετικαῖς ἐκκλησίαις νόμους, ἅπασι κεῖσθαι Ῥωμαίοις ἐξ ἴσου, τὴν αὐτὴν ἔχοντας δύναμιν τοῖς ἐν ταῖς λοχίτισιν ἐκκλησίαις τεθησομένοις*, XI. 45. Now we know that at this time laws passed by the comitia of centuries were not valid without the sanction of the senate, and therefore laws passed by the tribes must equally have required it.

its resolutions or decrees [4], where not directly interfered with by another power equally sovereign, were to embrace not the commons only, but the whole nation. In the same way in the later constitution the senate was not all-powerful; it could not legislate alone, and its decrees were liable to be stopped by the negative of the tribunes; but no one doubted that its authority extended over the whole people, and not over the members of its own order only. And this appears to have been the position in which the Valerian law placed the assembly of the tribes.

Division of all the magistracies of the Commonwealth between the patricians and commons.

Thus far we follow the express testimony of the annals from which Livy and Dionysius compiled their narratives. But we are warranted in saying that the revolution did not stop here. Other and deeper changes were effected; but they lasted so short a time, that their memory has almost vanished out of the records of history. The assembly of the tribes had been put on a level with that of the centuries, and the same principle was followed out in the equal division of all the magistracies of the state between the patricians and the commons. Two supreme magistrates [5], invested with the highest judicial power, and discharging also those important duties which were afterwards performed by the cen-

[4] Compare the difference between a resolution or an order of the house of commons, (although that body cannot legislate without the consent of the house of lords and the king,) and the canons of a synod of the clergy. A law which should enact that "quod clerus jussisset populum teneret" need not give to a synod the exclusive right of making laws; it would deserve its name if it merely placed it on a level with the house of commons; if it empowered it to represent the whole nation, and not only one single order of men.

[5] Diodorus, XII. 25.

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sors, were to be chosen every year, one from the patricians, and the other from the commons. Ten tribunes of the soldiers[6], or decemviri, chosen five from the patricians and five from the commons, were to command the armies in war, and to watch over the rights of the patricians; while ten tribunes of the commons, also chosen in equal proportions from both orders, were to watch over the liberties of the commons. And as patricians were thus admitted to the old tribuneship, so the assemblies of the tribes[7] were henceforth like those of the centuries to be held under the sanctions of augury, and nothing could be determined in them if the auspices were unfavourable. Thus the two orders were to be made fully equal to one another; but at the same time they were to be kept perpetually distinct; for at this very moment[8] the whole twelve tables of the laws of the decemvirs received the solemn sanction of the people, although, as we have seen, there was a law in one of the last tables which declared the marriage of a patrician with a plebeian to be unlawful.

Horatian and Duilian laws.

There being thus an end of all exclusive magistracies, whether patrician or plebeian; and all magistrates being now recognized as acting in the name

[6] Diodorus, XII. 25. Δέκα αἱρεῖσθαι δημάρχους μεγίστας ἔχοντας ἐξουσίας τῶν κατὰ πόλιν ἀρχόντων, καὶ τούτους ὑπάρχειν οἱονεὶ φύλακας τῆς τῶν πολιτῶν ἐλευθερίας. This description does not suit the tribunes of the commons, and the expression, τῆς τῶν πολιτῶν ἐλευθερίας, instead of τῆς τοῦ δήμου ἐλευθερίας, seems to show that the patricians or burghers were intended rather than the commons.

[7] Zonaras, VII. 19. He mentions the fact without its connexion; but it seems to me extremely valuable towards confirming the view of all these arrangements which is given in this history.

[8] Diodorus, XII. 26. Livy, III. 57.

of the whole people, the persons of all were to be regarded as equally sacred. Thus the consul Horatius proposed and carried a law which declared that, whoever harmed any tribune of the commons, any ædile, any judge, or any decemvir, should be outlawed and accursed [9]; that any man might slay him, and that all his property should be confiscated to the temple of Ceres. Another law was passed by M. Duilius, one of the tribunes, carrying the penalties of the Valerian law to a greater height against any magistrate who should either neglect to have new

[9] See this memorable law in Livy, III. 55. "Qui tribunis plebis, ædilibus, judicibus, decemviris nocuisset, ejus caput Jovi sacrum esset, familia ad ædem Cereris liberi liberæque venum iret." The different interpretations given to the words "judicibus, decemviris," in this passage are well known. Niebuhr understands the latter nearly as I do, but the "judices" he considers to have been the centumviri. But the order of the words, is, I think, decisive against this last notion; the centumviri never could have been mentioned between the ædiles and decemviri. Whereas, according to my interpretation, the two old plebeian offices are mentioned first, and then the two new offices which they were thenceforward to share, those of judge or consul, and of decemvir or tribune of the soldiers. Livy himself informs us that there were some who had extended this law to the patrician magistrates, and who explained the "judices" as I have done; but he objects that judex as applied to the consul was a later title, and that the consul at this time was called prætor. To which the reply is easy: that according to Zonaras, who derived his materials from Dion Cassius, the consuls *ceased* to be called prætors at this very time, and were now first called consuls or colleagues; and it is very likely that their military power being transferred to the tribunes of the soldiers, their name of judices, which they are allowed by Livy himself to have borne afterwards, (see also Cicero, de Legibus, III. 4,) took its origin from this period.

I may add also, that the supposition that there were to be ten tribunes of the soldiers and as many tribunes of the commons, would agree with the otherwise puzzling statement of Pomponius, de Origine Juris, § 25, "that there were sometimes twenty tribunes of the soldiers," for the two tribuneships must, under the constitution of 306, have so resembled each other in many important points, that they may easily have been represented as one magistracy.

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magistrates appointed at the end of the year[10], or who should create them without giving the right of appeal from their sentence. Whosoever violated either of these provisions was to be burned alive as a public enemy.

Decrees of the senate kept in the temple of Ceres.

Finally, in order to prevent the decrees of the senate from being tampered with by the patricians, Horatius and Valerius began the practice[11] of having them carried to the temple of Ceres on the Aventine, and there laid up under the care of the ædiles of the commons.

The state of affairs was not ripe for this constitution.

This complete revolution was conducted chiefly, as far as appears, by the two consuls and by M. Duilius. Of the latter we should wish to have some further knowledge; it is an unsatisfactory history, in which we can only judge of the man from his public measures, instead of being enabled to form some estimate of the merit of his measures from our acquaintance with the character of the man. But there is no doubt that the new constitution attempted to obtain objects for which the time was not yet come, which were regarded rather as the triumph of a party, than as called for by the wants and feelings of the nation; and therefore the Roman constitution of 306 was as short-lived as Simon de Montfort's provisions of

[10] Livy, III. 55. Diodorus, XII. 25. Livy says, "Tergo et capite puniretur." Diodorus more correctly, ζῶντας κατακανθῆναι. The connexion of this law with that mysterious story of the burning alive of nine tribunes, for not providing successors for themselves in their office, (see Valerius Maximus, VI. 3, § 2, and note 39 to chap. XIII. of this history,) cannot but strike every one; the clue, however, only goes far enough to excite curiosity, but will not enable us to satisfy it.

[11] Livy, III. 55.

Oxford, or as some of the strongest measures of the long parliament. An advantage pursued too far in politics, as well as in war, is apt to end in a repulse.

Impeachment of Appius Claudius. He is cast into prison.

As yet, however, at Rome, the tide of the popular cause was at full flood, for the decemvirs were still unpunished, and the fresh memory of their crimes excited an universal desire for vengeance. Virginius singled out Appius and impeached him [12]; but Appius, with the inherent pride of his family, scorned the thought of submission, and appeared in the forum with such a band of the young patricians around him, that he seemed more likely to repeat the crimes of his decemvirate than to solicit mercy for them. But the tide was not yet to be turned, and Appius only hastened his own ruin. Virginius refused to admit the accused to bail, unless he could prove [13] before a judge duly appointed to

[12] Livy, III. 56.

[13] "Ni judicem dices te ab libertate in servitutem contra leges vindicias non dedisse, in vincula te duci jubeo." Livy, III. 56. Niebuhr rejects the reading "judicem *dices*" as nonsense, and corrects "judicem *doces*." I should lay little stress on the authority of our MSS. of Livy, which are all extremely corrupt. But in this instance the common reading is supported by the similar expression "diem dicere" and the term "condictio," quâ "actor adversario denuntiabat ut ad judicem capiendum die XXX adesset." Gaius, IV. § 18. "Ni judicem dices" signifies, "Unless thou wilt give me notice to come before a judge with thee, to have this issue tried."

For the matter of the transaction itself it may be observed, that the judge would have had to try simply the question of fact, whether Appius had given vindiciæ, or possession, in favour of slavery or not. And it was manifest that if the judge found against Appius on this issue, such a verdict would have weighed strongly against him at his trial before the centuries. On the other hand, Appius wished to reserve his whole case for the judgment of the centuries; for there, as he well knew, the issue tried was far less narrow, and the sentence would depend, not on the evidence as to a particular fact, but on the general impression produced on the minds of the audience by the speakers on either side; and to

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try this previous issue, "that he had not in a question of personal freedom, assumed that the presumption was in favour of slavery; in having adjudged Virginia to be regarded as a slave till she was proved free, instead of regarding her as entitled to her freedom, till she was proved a slave." Appius dared not have this issue tried; he only appealed to the tribunes, the colleagues of Virginius, to save him from being cast into prison; and when they refused to interpose [14], he appealed to the people. The meaning of this appeal was, that he refused to go before the judge as Virginius had proposed, and submitted his whole case to the judgment of the people in the assembly of centuries. This he might legally do; but on the other hand, his refusal to have the question of fact, as to his conduct in the affair of Virginia, tried before a judge, enabled Virginius to assume his guilt as certain. But bail was not to be given to notorious criminals; it was thus that Kæso had defrauded justice, and Appius would certainly fly from Rome before his trial,

produce this impression, the feelings and interests of the judges were freely appealed to, so that the greatest criminal might hope to be acquitted, if his eloquence and the influence of his friends were sufficiently powerful.

[14] An obscure and corrupt passage of Diodorus would appear to intimate, that by the new constitution, the act of one tribune could not be stopped by another; in other words, that the ordinary rule of Roman law, "melior est conditio prohibentis," was, in the case of the tribunes, at this time reversed. The words are ἐὰν δὲ οἱ δήμαρχοι μὴ συμφωνῶσι πρὸς ἀλλήλους, κύριοι εἶναι τὸν ἀνὰ μέσον κείμενον μὴ κωλύεσθαι. XII. 25. Wesseling and the other interpreters understand τὸν ἀνὰ μέσον χρόνον, "in the interval," which seems to me to be neither good Greek nor sense. I am inclined to read τὸ ἀνὰ μέσον κείμενον, "the matter that was between them:" "If the tribunes should disagree, they had authority in the matter that was disputed between them, so as not to be restrained by the veto of their colleagues." But I am not yet satisfied that this is the complete restoration of the passage.

unless he were secured within the walls of a prison. Accordingly, Virginius ordered him to be thrown into prison, there to await the judgment of the people.

His death before his trial.

But that judgment he never lived to undergo. Livy chose to believe that he killed himself[15], despairing of the event of the trial. Another account implies, that it was the accusers and not the accused who feared to trust to the decision of the centuries; the tribunes, it was said, ordered him to be put to death in prison[16]. It would be painful to believe that so great a criminal, like the dictator Cæsar, was not executed, but murdered; yet the utter uncertainty of a trial before the centuries, where so many other points were sure to be considered besides the fact of the criminal's guilt, and the strange latitude allowed by the Romans to their magistrates on the plea of the public safety, render it not improbable that the tribunes dealt with Appius as Cicero treated the accomplices of Catilina in the very same prison. Cicero's conduct on that occasion was sanctioned by Cato, and by the majority of the senate; and certainly the crimes of Appius were neither less flagrant, nor less notorious than those of Cethegus and Lentulus.

[15] Livy, III. 58.

[16] Dionysius, XI. 46. "This," he says, "was the general opinion," ὡς μὲν ἡ τῶν πολλῶν ὑπόληψις ἦν. He must have copied this from some annalist, although the oldest annalist could know as little as Dionysius of the public opinion of the times of the decemvirs. Perhaps the statement came from the memorials of the Claudian family, which would naturally be glad to impute such a crime to the hated tribunes. But that Appius was put to death in prison, is also the account given by the author of the little work, "De Viris Illustribus;" and it is stated positively as a point which was not doubted. And if this work was compiled, as Borghesi and Niebuhr believe, from the inscriptions at the base of the statues in the forum of Augustus, it may be supposed to express the prevailing opinion in the Augustan age.

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Fate of the other decemvirs.

Another of the decemvirs, Spurius Oppius[17], underwent a similar fate. He was particularly odious, because he had been left with Appius in the government of the city, while the other decemvirs were abroad with the legions; and because he had been a faithful imitator of his colleague's tyranny. His most obnoxious crime was his having cruelly and wantonly scourged an old and distinguished soldier, for no offence, as it was said, whatsoever. Bail, therefore, was refused to him also; he was committed to prison, and there died before his trial came on, either by the hands of the executioner or his own. The other decemvirs[18], and M. Claudius, who had claimed Virginia as his slave, were all allowed to give bail, or to escape before sentence was executed; and accordingly they all fled from Rome, and went into exile. Their property, as well as that of Appius and Oppius, was confiscated and sold at the temple of Ceres.

Reaction and division among the popular leaders.

From this point the reaction may be said to have begun. Vengeance having been satisfied, compassion arose in its place; the patricians seemed the weaker party, and any further proceedings against them were received with aversion, as a generous spirit cannot bear to strike an enemy on the ground. Accordingly, there seems from this moment to have been a division amongst the popular leaders; some thinking that they had done enough, and that in order to carry into effect the new constitution, nothing was

[17] Livy, III. 58.

[18] Livy, III. 58. Dionysius, XI. 46.

so much needed as conciliation; while others believed that the patricians would never endure an equal government, and that it was the truest wisdom, as they had once fallen, to keep them down for ever. As far as we can discern any thing of individual character amid the darkness of these times, the two consuls and M. Duilius were of the former of these two opinions; L. Icilius and L. Trebonius were of the latter.

Duilius stops all further prosecutions.

The state required, as Duilius thought, a general amnesty; and accordingly he declared[19] that he would stop any further political prosecutions; that he would allow no man to be impeached, nor to be thrown into prison as unworthy of bail, during the remainder of the year. With the next year, as he hoped, the new constitution would come into force, and then the liberty of the commons, and the peace of the nation, would be secured for ever.

The consuls take the field, and are victorious over the enemy. The senate refuses them a triumph, but the people grant it to them.

But as far as appears, the patricians observed that there were symptoms of a turn of the tide; and they hoped for better things than to be obliged to submit to the constitution of Duilius. The two consuls[20] went out to battle against the Æquians and the Sabines, and returned, asserting that they had won great victories, and claiming the honour of a triumph. No doubt the boast of victories in that plundering warfare was often very unsubstantial; but in this case the defeat of the Sabines at any rate seems to

[19] Livy, III. 59.

[20] Livy, III. 60—63.

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have been real and signal, for we hear no more of wars with them for a hundred and fifty years afterwards. The patricians, however, would grant no honour to consuls whom they regarded as traitors to their order, and the triumphs were refused. But on this occasion the consuls threw themselves into the hands of the more decided popular party; they summoned the people to meet in their centuries[21], and there L. Icilius, the tribune, with the consuls' sanction, moved that the Roman people, by its supreme authority, should order the consuls to triumph. In vain did the patricians oppose the motion to the utmost; they had taken up an ill-chosen position, and

[21] It is not clear whether the vote in favour of the consuls' triumph was passed by the centuries or by the tribes. Livy's expressions are, "tulit ad populum," not "ad *plebem*," and "populi jussu triumphatum est," not "*plebis* jussu." Yet the vote is passed on the motion of a tribune, and it is said that "omnes tribus eam rogationem acceperunt." On the other hand, Dionysius says that the consuls summoned the people to the assembly, and the tribunes are represented as seconding their representation, rather than originating the question themselves. πολλὰ τῆς βουλῆς κατηγορήσαντες, συναγορευσάντων αὐτοῖς τῶν δημάρχων. XI. 50. These circumstances suit best the comitia of centuries, for the consuls could not enter the city without laying aside their imperium, and so giving up their claim to a triumph, and would necessarily assemble the people without the walls. Besides, the question of a triumph might be more justly decided by the people in the military array of their centuries on the Campus Martius, than by the commons in their tribes in the forum. If Livy's expression, "omnes *tribus* rogationem acceperunt," could be relied upon, it would go far to prove that the blending of the system of centuries with that of tribes, in the comitia centuriata, that most perplexing question of Roman constitutional history, began at least as early as the time of the decemvirs, and probably accompanied the admission of the patricians and their clients into the tribes. Fifty years later, in the year 359, Livy speaks of the "prærogativa tribus," and the "jure vocatæ tribus," at the comitia of centuries, without the least intimation that the system implied in those expressions was then of recent introduction. See Livy, V. 18.

the reaction here availed them nothing: the people ordered as Icilius proposed, and the consuls triumphed.

Growing strength of the aristocratical party.

This, if the consular Fasti may be trusted, took place in August. Again the mist closes over the events of the remainder of the year, and we can only judge of their nature by the result. The reaction grew stronger, and was increased by all the inherent strength of an aristocracy, the most powerful of all governments so long as it retains any portion of its original vigour. The patricians were determined that the new constitution should never take effect; that there should be no plebeian consul, and no plebeian tribunes of the soldiers: whether, if these points were carried, they might be forced also to have no patrician tribunes of the commons, they cared but little.

Proceedings of Duilius at the election of the new tribunes.

To meet this determination, the bolder part of the leaders of the commons resolved that the magistrates for the present year should be re-elected. "If the patricians will not have the constitution," they said, "we will at least keep matters exactly as they now are; we have two consuls whom we can trust to the death, we have ten true and zealous tribunes, the leaders of our late glorious deliverance. If we retain these, the patricians will gain little by their resistance." But here again the division in the popular party made itself manifest: the consuls shrunk from the odium of re-electing themselves; Duilius was equally opposed to the re-election of himself and his nine colleagues. The lot for holding the comitia for

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the election of new tribunes happened to fall to him. He resolutely refused [22] to receive votes for any of the last year's tribunes; and as many of the voters would vote for no other candidate, it turned out that only five candidates could obtain that proportion of suffrages out of the whole number [23], which was required to constitute the legal vote of a tribe. Accordingly, when the sun set, he pronounced the comitia to be dissolved, and as all elections were to end in a single day, he declared [24] that the voting for

[22] Livy, III. 64. "Cum ex veteribus tribunis negaret ullius se rationem habiturum."

[23] "Cum alii candidati tribus non explerent." "Explere tribum," and "explere centuriam," signify the obtaining such an absolute number of votes out of the whole number contained in the tribe or century, as was required to constitute its suffrage: for if the votes of the tribe were divided amongst so many candidates, that no one had an absolute majority of the whole tribe in his favour, the tribe was held to have voted for no one. And so if no candidate had an absolute majority of the whole number of tribes in his favour, the comitia were held to have voted for no one, and there was no legal return.

[24] There is much difficulty here in Livy's narrative. After saying that Duilius dismissed the assembly when only five tribunes had been elected, and that he would not go on with the election on any future day, "concilium dimisit, nec deinde comitiorum causâ habuit," Livy goes on as follows, "satisfactum legi aiebat, quæ numero nusquam præfinito tribunis, modo ut relinquerentur sanciret, et ab iis qui creati essent cooptari collegas juberet. Recitabatque rogationis carmen," &c. Now this evidently implies that Duilius referred to his own law passed in this very year, by which it was made a capital offence in any tribune to go out of office or to let the year expire without providing for the election of new tribunes to succeed him: and it appears that this very law had contained a clause, authorizing the elected tribunes, if fewer than ten, to fill up their number by choosing their own colleagues. Niebuhr, on the other hand, supposes that this was a new law, now proposed by Duilius; and he therefore reads, "et ab iis qui creati essent cooptari collegas jubebat," referring the verb to Duilius, instead of the common reading "juberet," referring to the former law. I think, however, that the grammar is against this construction, for if Livy had meant that Duilius brought forward a new measure, which must have been done at a particular time and place, he would not have used the imperfect tenses "aiebat" and "recitabat," but rather "dixit" and "recitavit." And besides, what

tribunes was duly finished; that the commons had elected no more than five, and that it must remain with these five to complete their own number. Accordingly the five elected tribunes chose to themselves five colleagues, and two[25] of these are expressly said to have been moderate patricians. We may safely conclude, that all five were patricians, and that Duilius, hoping to prevail by moderation and conciliation, took this opportunity to carry into effect one part of the new constitution, in the confidence that, after this proof of honourable dealing, the patricians for very shame would be forced to fulfil the rest of it.

The new constitution is set aside.

In this, however, he was mistaken: they had no thought of fulfilling it, although by what means they were enabled to defeat it we can only conjecture. Many years afterwards the patricians habitually set the Licinian law at defiance, and prevented the election of a plebeian consul, whenever the comitia were held by a magistrate devoted to their interests.

likelihood is there that such a measure would have been passed by the commons at the very moment when they were complaining of Duilius's conduct? Whereas it is very conceivable that the clause appealed to by Duilius, had been inserted by him in his former law, perhaps with a view to the very object which he now proposed to gain by it; namely, the securing the admission of some patricians into the number of tribunes. And the clause would then have been passed without suspicion, as it involved no new principle, as might seem intended merely to relieve the tribune presiding at the comitia from the fearful penalty of the law, in a case in which he might be perfectly innocent; for it might not be in his power to secure the election of ten tribunes in a single day, if there was a very great number of candidates. And thus the tenses aiebat and recitabat are quite right; for they express the defence which Duilius *was in the habit of making*, whenever his conduct was called in question.

[25] These were Sp. Tarpeius and A. Aternius, the consuls of the year 300, who had passed the law "De multæ sacramento." Livy, III. 65, and Cicero, de Repub. II. 35.

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But how could they persuade Horatius and Valerius, whom they had so recently insulted, to enter into their feelings, and when the day of election came on, to refuse all votes given in favour of a plebeian candidate? Perhaps the opposition of the patricians was so determined, that the consuls could not but yield to it; they might know, that although the centuries should elect a plebeian, yet the curiæ would not confirm the election by conferring on him the imperium, or sovereign power; and above all, they might feel that there was not in the mass of the commons so deep an interest in the point as could overpower even the most resolute resistance. Thus they abandoned the new constitution to its fate: there was no election of tribunes of the soldiers, nor of a plebeian consul; only two patricians of known moderation were chosen, Lars Herminius [26] and T. Virginius Cælimontanus, men who were not likely to abuse their power, and so to make the victory of the patricians insupportable.

The Trebonian law.

Thus the hopes of Duilius were altogether disappointed, and the tribuneship had been laid open to the patricians for nothing. The most moderate men now saw that they had been deluded, and L. Trebonius, one of the five plebeian tribunes, was loud in his complaints of the treachery of the patricians. He then proposed a law [27], which enacted that the election of tribunes of the commons should from hence-

[26] Livy, III. 65. The consuls at this time came into office on the Ides of December. Dionysius, XI. 63. Livy, IV. 37.

[27] Livy, III. 65.

forth be continued till the whole number of ten were elected. We read of no opposition to this law from any quarter; the patricians knew that they must abandon their hold on the tribuneship if they insisted on keeping all the curule offices to themselves, and probably they were anxious to leave no vestige of the new constitution in existence, lest the commons, while any part of it remained, should be tempted to demand the whole. Accordingly all things returned to their old state: except that the two orders were rendered more distinct than ever by the positive law enacted by the decemvirs, and introduced into the twelve tables, by which intermarriage between them was strictly forbidden.

A.U.C. 308. A.C. 444. Violences of the young patricians.

It was impossible however that matters should so rest. The moderate consuls of the year 307 were succeeded by two men of a different character, M. Geganius Macerinus[28] and C. Julius. Immediately we hear again of the young patricians, as in the time of the decemvir Appius and of Kæso Quinctius. The tribunes in vain endeavoured to break up their organization, by impeaching the most forward individuals: the consuls took their part, and repressed, says Livy, the combination among the tribunes without attacking the tribunician power in itself, and yet without compromising the dignity of the patricians. This can only mean that private influence, corruption, or intimidation, were used to deter the accusers from proceeding. Thus relieved from all restraint, the

[28] Livy, III. 65.

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patricians went on more boldly: violence was constantly offered to individual plebeians; the young patricians, organized in their clubs, supported each other in their outrages: and even the tribunes, far from being able to protect their constituents, were themselves, in spite of the Sacred laws, insulted and assaulted. The commons complained that they wanted tribunes like Icilius; that those whom they now had were no better than mere shadows. It requires indeed no ordinary man to act the part of popular leader against a powerful aristocracy. Even in the forum the patrician clubs were now the strongest party; so great is the superiority of youth, high birth, training in martial exercises, and organization, over mere numbers. But when they left the forum, the tribunes were but individuals, often advanced in life[29], with few slaves and no dependents; exposed in their own persons, and still more in their families, to all the insults and oppressions which wealth, rank, and their numerous clients, enabled the

[29] Shakspeare has truly seized this point in the character of the tribuneship, that it was generally held by men of mature or even of advanced age; the tribunes who oppose Coriolanus are elderly men, like the city magistrates of modern times; and the aristocratical party taunt them with their want of strength; "Aged sir, hands off." "Hence, rotten thing! or I will shake thy bones out of thy garments." So the popular leader at Syracuse, Athenagoras, complains of the youth and presumption of Hermocrates and his party. And this is natural; for he who has to make his own way to fame, cannot expect to be distinguished as early in life as those who are recommended at once to public notice by the celebrity of their family.

Afterwards, when the tribunes, as in the case of the Gracchi, were chosen from families, which though not patrician were yet in the highest degree noble, young men might be elected to the office; for then they enjoyed all the aristocratical advantages of hereditary distinction, although their office was still a popular one.

patricians to offer. Whose spirit would not be broken by such a trial? Who but the very boldest and firmest of men would have scrupled to purchase security in private life from such constant persecution, by withdrawing in his public capacity that opposition which after all he might feel to be hopeless?

A.U.C. 309. A.C. 443. Consulship of T. Quinctius. The Canuleian law.

In the next year, a member of the Quinctian house was chosen consul, T. Quinctius Capitolinus. Accordingly the story of the year is made up from some of the memorials of the Quinctian family, and is a mere panegyric of the consul's great qualities in peace and in war. The real history of the year is lost almost entirely; it is only said[30] that the irritation of the commons was continually becoming more violent, and that impeachments against individual patricians were constantly the occasion of fresh contests between the orders. Then the panegyric succeeds, and describes[31] how the Æquians and Volscians broke in upon the Roman territory, and carried their ravages up to the very walls of Rome; how there was no one who went out to oppose them; and how the consul then called the people together, and addressed them so earnestly, and with such effect, that all internal quarrels were suspended, every man followed the consul to the field, and a great victory was gained over the enemy. So ran the story, but on this occasion it has not found its way into the Fasti, and the annals of the year contain no record of

[30] Livy, III. 66.

[31] Livy, III. 66.

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A.U.C. 310. A.C. 442.

a triumph obtained by either consul. When Quinctius and his panegyric disappear from the state, the story of internal disputes returns, and we find [32] the Æquians and Volscians, together with the Veientians and Ardeatians, again threatening Rome from without. But the new college of tribunes contained a man of resolution, C. Canuleius, and one to all appearance as wise as he was bold. He chose that particular reform out of many in which the commons felt a deep interest, and in which many of the patricians sympathized with them; the repeal, namely, of that law of the twelve tables which forbade connubia between the two orders. Many families must have felt the hardship of this law; for marriages between patricians and plebeians were common, and as they were not in the highest sense legal, the children followed the mother's condition, not the father's, and were not subject to their father's power, nor could inherit from him if he died intestate. On this point there was a strong and general feeling; but the other nine tribunes [33], encouraged by their colleague's boldness, attempted to revive the question of the admission of plebeians to the consulship, and they proposed a law, "that the consulship should be thrown open, without distinction, to the members of both orders."

Tumult on the Janiculum. The Canuleian law is carried.

Here again the family memorials, and the annalists who compiled their narratives from them, have left a blank in the story. No patrician made himself re-

[32] Livy, IV. 1.

[33] Livy, IV. 1.

markable, either by his magnanimous opposition to the commons, or by his patriotic support of their claims; no memorable tale of outrage or of heroism was connected with these events, and thus they have been passed by almost unnoticed. But the short statement of Zonaras[34], "that many violent things were said and done on both sides," acquires something more of distinctness from the mention made by Florus[35] of a tumult which broke out on the hill Janiculum, headed by the tribune Canuleius. It seems then that the commons again took up arms, and established themselves not as before on the Aventine or the Sacred Hill, but beyond the Tiber, on a spot easily capable of being converted into a distinct city. Thus pressed, the patricians once more yielded, and the law of Canuleius, to repeal the decemvirs'[36] prohibition of intermarriages between the two orders, was carried without farther opposition.

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Disputes about the law proposed by his colleagues for opening the consulship to the commons.

The success of Canuleius encouraged his colleagues; and they now more vehemently urged their law for opening the consulship to the commons. But this measure it seems excited a less general interest in its behalf, while it awakened a yet fiercer opposition. We may suppose however that the commons again occupied in military order, either the Aventine or the Janiculum; for the patricians held meetings

[34] Πολλὰ κατ' ἀλλήλων καὶ βίαια ἔλεγόν τε καὶ ἔπραττον. VII. 19.

[35] Tertiam seditionem incitavit matrimoniorum dignitas, ut plebeii cum patriciis jungerentur. Qui tumultus in monte Janiculo, duce Canuleio, tribuno plebis, exarsit. Florus, I. 25.

[36] Livy, IV. 6.

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amongst themselves[37], which neither Valerius nor Horatius would attend; and C. Claudius, true to the spirit of his family, wanted to invest the consuls with full military power, and to commission them to attack the tribunes and the commons by force of arms. The Quinctii however, so said their family accounts, would have no violence done on the sacred persons of the tribunes; and their milder counsels led to a temporary settlement of the contest. The consulship was to be suspended, but tribunes of the soldiers with consular power were to be appointed, and these might be either plebeians or patricians. What was to be the number of these tribunes is uncertain; three only were actually chosen, but Zonaras says[38], that according to the constitution of the office there were to be six, three to be chosen from each order. Perhaps the number three had reference to the three old tribes of the Roman people, the Ramnenses, Titienses, and Luceres, and as these in the division of the centuries were now six, the sex suffragia, it may have been intended in like manner that after three patrician tribunes had been elected, three plebeians should be added to their number, like the first and second centuries of the three tribes, according to the system ascribed to the elder Tarquinius. At any rate, three tribunes were elected; and, as Livy declares, three patricians: A. Sempronius Atratinus, L. Atilius, and Cloelius[39].

[37] Livy, IV. 6. Dionysius, XI. 55.

[38] VII. 19. Dionysius also agrees with him, XI. 60.

[39] In the MSS. of Livy, this last tribune is called "T. Celius," or "Cælius," or "Cæcilius;" Cæcilius is the reading followed in

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The dispute ends in the appointment of consuls as before.

It is remarkable that two out of these three, Sempronius and Cloelius were chosen from families especially noted twelve years[40] earlier, for their violent hostility to the commons, and for the great strength of their bands of associated followers. This can hardly have been a mere accident: it looks as if the patricians had made every effort to bring them forward as efficient leaders in the struggle for which they were preparing. But again the details are lost; and Livy's story[41] merely relates, that within three months the tribunes were called upon by the augurs to resign, from an alleged religious informality in their election; that there was then a dispute, whether other tribunes should be elected, or whether consuls should be appointed as before; that T. Quinctius Barbatus, whom the patricians had appointed interrex, was on this occasion their leader; that the commons feeling that only patricians would

Drakenborch's edition, but Bekker has adopted the correction of Sigonius, "T. Cloelius." In Diodorus the MSS. read Κόϊντος, for which the editors have corrected Κοΐντιος (Quintius, or Quinctius). In Dionysius, the common reading is Κλούσιον Σικελόν, but the cognomen enables us to correct this, and in the Vatican MS. it is rightly given Κλύλιον Σικελόν. Niebuhr says, that L. Atilius must have been a plebeian, because the Atilii were a plebeian family, and the L. Atilius, who was tribune of the soldiers in 356, is expressly called a plebeian by Livy himself. But this is merely the same question which occurs with respect to some of the decemvirs; and it never can be shown that there were not once patrician houses of all those names, which to us in the later history occur only as plebeian, except where the plebeian family had been noble in some other city of Italy, and was not of Roman extraction. Thus we do not hear of any patrician Ælii or Cæcilii. It is more probable, I think, that the three tribunes first chosen were patricians, and that three plebeians were to have been added to their number; but that the patricians resisted this, and finally, to simplify the question, got rid of their own tribunes also, and returned to the government by consuls.

[40] Dionysius, X. 41.

[41] Livy, IV. 7.

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be elected, whether under the name of consuls or tribunes, thought it vain to dispute for nothing; and that thus in the end two consuls were appointed, L. Papirius Mugillanus, and another Sempronius Atratinus, and all mention of the laws proposed by the tribunes of the commons was thus for several years laid to sleep.

Varying accounts of these transactions.

Another account[42] represents T. Quinctius not as interrex, but as dictator, and says that in no more than thirteen days he put an end to the contest, and then laid down his office. And as we find the record of a treaty concluded in this year between Rome and Ardea, it has been conjectured[43] that the patricians may have availed themselves of foreign aid in putting down the opposition of the commons. It is certain that in the following year we meet for the first time with the name of a new patrician magistracy, the censorship; and Niebuhr saw clearly that the creation of this office was connected with the appointment of tribunes of the soldiers; and that both belong to what may be called the constitution of the year 312.

New constitution. Censors, quæstors, and tribunes of the soldiers.

This constitution recognized two points: a sort of continuation of the principle of the decemvirate, inasmuch as the supreme government was again, to speak in modern language, put in commission, and the kingly powers, formerly united in the consuls or

[42] Lydus, de Magistratibus, I. 38. But the infinite confusions of the passage in which this statement occurs, render its authority extremely questionable.

[43] Niebuhr, Vol. II. p. 410. Engl. Transl.

prætors, were now to be divided between the censors and tribunes of the soldiers; and secondly, the eligibility of the commons to share in some of the powers thus divided. But the partition even in theory was far from equal: the two censors, who were to hold their office for five years, were not only chosen from the patricians, but, as Niebuhr thinks[44], by them; that is, by the assembly of the curiæ; the two quæstors who judged in cases of blood were also chosen from the patricians, although by the centuries. Thus the civil power of the old prætors was in its most important points still exercised exclusively by the patricians; and even their military power, which was professedly to be open to both orders, was not transmitted to the tribunes of the soldiers, without some diminution of its majesty. The new tribuneship was not an exact image of the kingly sovereignty, it was not a curule office, and therefore no tribune ever enjoyed the honour of a triumph[45], in which the conquering general, ascending to the Capitol to sacrifice to the guardian gods of Rome, was wont to be arrayed in all the insignia of royalty.

[44] Vol. II. p. 394. Engl. Transl. It appears that in after times the election of the censors was confirmed by a lex centuriata, as that of the other curule magistrates was by a lex curiata. Both were, then, a mere formality; but Niebuhr infers from this difference between the censorship and the other magistracies, that the former was originally conferred by the curiæ, and confirmed by the centuries, as the others were conferred by the centuries and confirmed by the curiæ.

[45] Zonaras, VII. 19. It might be a curious question whether the ovation, or inferior triumph, in which the conquering general walked on foot instead of riding in his chariot, was not first introduced in the case of a tribune of the soldiers; and whether it did not mark in its origin the inferior rank of the general who had gained it, rather than the less importance of his military successes.

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Its inequality as regarded the commons.

But even the small share of power thus granted in theory to the commons, was in practice withheld from them. Whether from the influence of the patricians in the centuries, or by religious pretences urged by the augurs, or by the enormous and arbitrary power of refusing votes which the officer presiding at the comitia was wont to exercise, the college of the tribunes was for many years filled by the patricians alone. And while the censorship was to be a fixed institution, the tribunes of the soldiers were to be replaced whenever it might appear needful by two consuls; and to the consulship no plebeian was so much as legally eligible. Thus the victory of the aristocracy may seem to have been complete, and we may wonder how the commons, after having carried so triumphantly the law of Canuleius, should have allowed the political rights asserted for them by his colleagues, to have been so partially conceded in theory, and in practice to be so totally withheld.

Causes why this was quietly endured.

The explanation is simple, and it is one of the most valuable lessons of history. The commons obtained those reforms which they desired, and they desired such only as their state was ripe for. They had withdrawn in times past to the Sacred Hill, but it was to escape from intolerable personal oppression; they had recently occupied the Aventine in arms, but it was to get rid of a tyranny which endangered the honour of their wives and daughters, and to recover the protection of their tribunes; they had more lately still retired to the Janiculum, but it was to remove an insulting distinction which embittered the relations

of private life, and imposed on their grandchildren in many instances, the inconveniences, if not the reproach, of illegitimacy. These were all objects of universal and personal interest; and these the commons were resolved not to relinquish. But the possible admission of a few distinguished members of their body to the highest offices of state concerned the mass of the commons but little. They had their own tribunes for their personal protection; but curule magistracies, and the government of the Commonwealth, seemed to belong to the patricians, or at least might be left in their hands without any great sacrifice. So it is that all things come best in their season; that political power is then most happily exercised by a people, when it has not been given to them prematurely, that is, before in the natural progress of things they feel the want of it. Security for person and property enables a nation to grow without interruption; in contending for this a people's sense of law and right is wholesomely exercised; meantime, national prosperity increases, and brings with it an increase of intelligence, till other and more necessary wants being satisfied, men awaken to the highest earthly desire of the ripened mind, the desire of taking an active share in the great work of government. The Roman commons abandoned the highest magistracies to the patricians for a period of many years: but they continued to increase in prosperity and in influence; and what the fathers had wisely yielded, their sons in the fulness of time acquired. So the English house of commons in the reign of

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Edward III. [46], declined to interfere in questions of peace and war, as being too high for them to compass; but they would not allow the crown to take their money without their own consent; and so the nation grew, and the influence of the house of commons grew along with it, till that house has become the great and predominant power in the British constitution.

If this view be correct, Trebonius judged far more wisely than M. Duilius; and the abandonment of half the plebeian tribuneship to the patricians, in order to obtain for the plebeians an equal share in the higher magistracies, would have been as really injurious to the commons, as it was unwelcome to the pride of the aristocracy. It was resigning a weapon with which they were familiar, for one which they knew not how to wield. The tribuneship was the foster nurse of Roman liberty, and without its care that liberty never would have grown to maturity. What evils it afterwards wrought when the public freedom was fully ripened, arose from that great defect of the Roman constitution, its conferring such extravagant powers on all its officers. It proposed to check one tyranny by another; instead of so limiting the prerogatives of every magistrate and order in the state, whether aristocratical or popular, as to exclude tyranny from all.

[46] Hallam, Middle Ages, Vol. III. p. 71, ed. 1822.

CHAPTER XVII.

INTERNAL HISTORY FROM 312 TO 350—THE CENSORSHIP, AND THE LIMITATION OF IT BY MAMERCUS ÆMILIUS—SP. MÆLIUS AND C. AHALA—THE QUÆSTORSHIP LAID OPEN TO THE COMMONS—SIX TRIBUNES OF THE SOLDIERS APPOINTED, AND PAY ISSUED TO THE SOLDIERS.

"What can be more instructive than to observe the first principles of right springing up, involved in superstition and polluted with violence; until, by length of time and favourable circumstances, it has worked itself into clearness?"—BURKE, Abridgment of English History, Book III. Chap. IX.

THE period of nearly forty years on which we are now going to enter, so short a space in the history of a nation, so long to all of us individually, includes within it the whole of the Peloponnesian war. Whilst at Rome the very form and tendency of great political revolutions cannot be discovered without difficulty; whilst military events are wholly disguised by ignorance or flattery, and whilst we can as yet obtain no distinct ideas of any one individual, nor fully conceive the character of the national mind, Athens is, on the other hand, known to us almost in its minutest points of detail. During this time

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Thucydides was collecting materials for his history; and Herodotus, after having travelled nearly all over the world, was making the last additions to his great work in the country of his later years, on the southern coast of Italy. Pericles had passed all of his glorious life except its most glorious close; and Socrates, the faithful servant of truth and virtue, was deserving that common hatred of the aristocratical[1] and democratical vulgar, which made him at last its martyr. The arts and manufactures of Athens were well known at Rome; and those names and stories of the wars of Thebes and Troy, which their dramatists were continually presenting afresh to the memory of the Athenians, were familiar also in the heart of Italy, were adopted into the language and traditions of Etruria and of Rome, and employed the genius of Italian artists[2] as of those of their original country.

[1] The aristocratical hatred against Socrates is exhibited in the Clouds of Aristophanes; and the famous speech of Cleon on the question of the punishment of the revolted Mytilenæans, shows the same spirit in connexion with the strong democratical party. Political parties are not the ultimate distinction between man and man; there are higher points, whether for good or evil, on which a moral sympathy unites those who politically are most at variance with each other; and so the common dread and hatred of improvement, of truth, of principle—in other words, of all that is the light and life of man, has, on more than one occasion, united in one cause all who are low in intellect and morals, from the highest rank in society down to the humblest.

[2] In the specimens of Etruscan vases and frescoes given by Micali in the atlas accompanying his History of the Ancient People of Italy, and in those published more recently by the Antiquarian Society of Rome, it is curious to observe how many of the subjects are taken from the story of the siege of Thebes, and still more from that of Troy. Many of the vases on which these subjects occur, are thought to be actually of Athenian manufacture; others appear to be Italian imitations; but both equally prove that the stories of the heroic age of Greece were well known in Italy, and the works of Grecian art admired and sought after.

But during the period at which we are now arrived, central Italy became acquainted, not with Athenian art only, but with the fame of the Athenian arms. The Etruscans heard with delight that a mighty avenger of their defeat at Cuma [3] was threatening their old enemies of Syracuse; their cities gladly lent their aid to the invader; and the Romans must have heard with interest from their neighbours and friends of Cære or Agylla, how some of their countrymen had done good service in the lines [4] of the Athenian army, and how they had been involved in that sweeping ruin in which the greatest armament ever yet sent out by a free and civilized Commonwealth had so miserably perished. But the Romans knew not, and could not know, how deeply the greatness of their own posterity, and the fate of the whole western world, was involved in the destruction of the fleet of Athens in the harbour of Syracuse. Had that great expedition proved victorious, the energies of Greece during the next eventful century would have found their field in the west no less than in the east; Greece, and not Rome, might have conquered Carthage; Greek, instead of Latin, might have been at this day the principal element of the languages of

[3] The naval victory of Cuma was won by Hiero, the brother and successor of Gelon, over the Etruscans, in the year 474 B.C. Olymp. 76-3. It is commemorated by Diodorus, XI. 51, and by Pindar, Pyth. I. 140; and one of the helmets taken from the enemy on this day, and sent as an offering to the Olympian Jupiter, was discovered by an English traveller, in 1817, amongst the ruins of Olympia, and bears an inscription which tells its story, "that Hiero, the son of Dinomenes, and the Syracusans, offered it to Jove as a part of the Tyrrhenian spoil from Cuma." See Böckh, Corpus Inscript. Græc. tom. I. p. 34.

[4] Thucydides, VII. 53.

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Spain, of France, and of Italy: and the laws of Athens, rather than of Rome, might be the foundation of the law of the civilized world.

General character of the ensuing period.

The period now before us is marked, as far as Rome itself is concerned, with few events of great importance. The commons retained and asserted those rights which were the best suited to their actual condition; and thus became gradually fitted to desire and to claim others of a higher character. But for the first important advantage to their cause they were indebted to one of the wisest and best Romans of his time, who was at once trusted by them, and respected by his own order, the patrician Mamercus Æmilius. Nine years after the institution of the censorship, Mamercus having been named dictator, to oppose a threatened attack from the Etruscans, proposed and carried a law[5] to limit the duration of the censorship. That office, in its powers and outward splendour a lively image of royalty, was held for a term of five years. By the law of Mamercus Æmilius it was to be held in future only for eighteen months; and as the election of censors still took place only at intervals of five years, this magistracy was always in abeyance for a longer time than it was in existence.

A.U.C. 321. A.C. 431.

The censorship.

The censorship was an office so remarkable, that however familiar the subject may be to many readers, it is necessary here to bestow some notice on it. Its original business[6] was to take a register of the citi-

[5] Livy, IV. 24.

[6] Magistratus, cui ministerium custodiæque et tabularum cura, cui arbitrium forscribarum

zens and of their property; but this, which seems at first sight to be no more than the drawing up of a mere statistical report, became in fact, from the large discretion allowed to every Roman officer, a political power of the highest importance. The censors made out the returns of the free population; but they did more; they divided it according to its civil distinctions, and drew up a list of the senators [7], a list of the equites, a list of the members of the several tribes, or of those citizens who enjoyed the right of voting, and a list of the ærarians, consisting of those freedmen, naturalized strangers, and others, who being enrolled in no tribe, possessed no vote in the comitia, but still enjoyed all the private rights of Roman citizens. Now the lists thus drawn up by the censors were regarded as legal evidence of a man's condition: the state could refer to no more authentic standard than to the returns deliberately made by one of its highest magistrates, who was responsible to it for their being drawn up properly. He would, in the first place, be the sole judge of many questions of fact, such as whether a citizen had the qualifications [8] required by law or custom for the rank which he claimed, or whether he had ever incurred any judicial sentence which rendered him infamous [9]: but from thence the transition was easy,

mulæ censendi subjiceretur. Livy, IV. 8.

[7] See the accounts of the census in Livy, XXIV. 18, and XXXIX. 42. 44. See also Zonaras, VII. 19.

[8] For instance, whether a man claiming to belong to one of the tribes, followed any trade incompatible with the character of a plebeian: all retail trades being forbidden at this time to the commons. See Dionysius, IX. 25.

[9] This was called a "judicium

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according to Roman notions, to the decision of questions of right; such as whether a citizen was really worthy of retaining his rank, whether he had not committed some act as justly degrading as those which incurred the sentence of the law; and in this manner the censor gave a definite power to public opinion, and whatever acts or habits were at variance with the general feeling, he held himself authorized to visit with disgrace or disfranchisement. Thus was established a direct check upon many vices or faults which law, in almost all countries, has not ventured to notice. Whatever was contrary to good morals, or to the customs of their fathers, Roman citizens ought to be ashamed to practise: if a man[10] behaved tyrannically to his wife or children, if he was guilty of excessive cruelty even to his slaves, if he neglected his land[11], if he indulged in habits of extravagant expense[12], or followed any calling which was regarded as degrading[13], the offence was justly noted by the censors, and the offender was struck off from the list of senators, if his rank were so high; or if he were an ordinary citizen, he was expelled from his tribe, and reduced to the class of the ærarians.

turpe," and this was incurred in various actions, which are specified by the lawyers; as, for instance, if a man were cast in an actio furti, or vi bonorum raptorum, or tutelæ, or mandati, or pro socio, &c. See Gaius, Institutes, IV. § 182. And the disqualification thus incurred was perpetual, and could not be reversed by the censors. See Cicero, pro Cluentio, 42.

[10] Dionysius, XX. 3. Fragm. Mai.

[11] A. Gellius, IV. 12.

[12] Dionysius, XX. 3. See the well-known story of the censor Fabricius expelling Rufinus from the senate, because he had ten pounds' weight of silver plate in his possession.

[13] As, for instance, that of an actor. See Livy, VII. 2.

Beyond this the censor had no power of degradation[14]; for the private rights of Roman citizens could not be taken away by any magistrate; the sentence could only affect his honours, or such privileges as were strictly political.

Power of the censors over the property of the people.

Yet the censors had a farther hold even on the ærarians, nor was their power limited to the degrading a citizen from his rank; they could also affect his fortune. It was their business, as I have said, to make a return of the property of every Roman, and of its value; for the taxes were levied according to this return, and here too its evidence was decisive. Every citizen presented at the census a detailed account of his property; he stated the name[15] and situation of his landed estate, what pro-

[14] There is a remarkable passage in Livy, XLV. 15, in which C. Claudius, one of the censors in the year 584, is represented as denying the right of the censor to deprive any man of his vote: he could remove him from a more honourable tribe to a less honourable, but he could not remove him from all the thirty-five tribes, and so, in effect, disfranchise him. And yet the expression "in ærarios referri," is equivalent to "in Cæritum tabulas referri," and this is a well-known designation of the "civitas sine suffragio:" for Gellius says expressly, that "in has tabulas censores referri jubebant, quos notæ causâ suffragiis privabant." XVI. 13. It would seem, however, that "tribu movere," and "in ærarios referre," were two distinct sentences, and that the former did indeed only imply a removal from a higher tribe to a lower (in which sense it probably is that Dionysius speaks of the censors as removing a man εἰς τὰς τῶν ἀτίμων φυλάς, XVIII. 22. Fragm. Mai); but that the latter was for the time equivalent to a judicium turpe, and deprived a citizen of all his political rights; but it could be reversed either by the censor's colleague, or by the next censors. But the question concerning the ærarians, like every other connected with the censors and the centuries, is beset with difficulties, from our ignorance of the changes introduced at different periods, and thus being apt to ascribe to one time what is applicable only to another.

[15] See all these particulars in the "forma censualis," given by Ulpian, de Censibus, lib. III. quoted in the Digest, Tit. de Censibus, L. 4. (Lib. L. Tit. XV.)

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portion of it was arable, what was meadow, what vineyard, and what olive ground. He was even to number his vines and olive trees, and to the whole thus minutely described he was to affix his own valuation. He was to observe the same rules with regard to his slaves, and undoubtedly with regard to his horses and cattle; for all these came under the same class of res mancipii. But the censor had an unlimited power of setting on all these things a higher valuation, and consequently of subjecting them to a higher rate of taxation. Further, we have instances[16] of a censor's calling for a return of other articles of property, such as clothing, jewels, and carriages, which were not returned in the regular order of the census; and on these he would set an extravagant valuation, to ten times their actual worth. Nor does it appear that in these cases there was any remedy for the person aggrieved: the censor's decision was final. On the return of taxable property thus made, the senate, in case of need, levied a certain rate, ordinarily[17], as it seems, of no more than one per thousand; but raised, as circumstances might require, to two, three, or four per thousand. For it must be understood that this property tax, or tributum, was mostly a war tax, and not a part of the regular re-

[16] Livy, XXXIX. 44. Ornamenta et vestem muliebrem et vehicula in censum referre jussit: uti decies tanto pluris quam quanti essent æstimarentur.

[17] This was the proportion observed in the tribute imposed on the twelve defaulting colonies in the second Punic war; Livy, XXIX. 15; and Niebuhr concludes that it was the ordinary rate. "Three per thousand" is mentioned as the rate fixed by Cato and Valerius Flaccus in their severe censorship in 568. Livy, XXXIX. 44.

venues of the state: it might happen, therefore, that no property-tax was levied, and in that case the censor's surcharge, or over-valuation, would have been inoperative; but wars were so frequent, and the necessities of the state so great, in the early periods of the Roman history, that there was probably no one term of five years in which the tributum was not needed, and consequently no return of any censors which was not carried into effect. We are told also that the censors[18] on some occasions, not only put their own valuation on the property returned at the census, but also fixed the rate to be levied upon it: being sure in this, as in so many other instances, to have their acts sanctioned by the senate, if it did not appear that they had been influenced by any unworthy motives.

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In addition to this great power with regard to the taxes, or tributa, the censors had the entire management of the regular revenues of the state, or of its vectigalia[19]. They were the Commonwealth's stewards, and to their hands all its property was entrusted. But these state demesnes were ample and various, including arable land, vineyards, pastures, forests, mines, harbours, fisheries, and buildings; the letting or farming of all these belonged wholly to the censors; the harbours, including the portoria or customs, which appear to have been levied as a harbour, wharfage, and perhaps warehouse duty. They were thus a charge paid by the merchant for his use

Over vectig prope the C monw

[18] Livy, XXXIX. 44. sub nutu atque arbitrio (censorum) essent. Livy, IV. 8.
[19] Ut vectigalia populi Romani

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of the state's property: and this is the proper notion of vectigal as opposed to tributum; that the first was received by the state in its capacity of landlord or proprietor, the latter was paid to it as a political society: the vectigal was given by the farmer, trader, or consumer, as the price of some commercial or economical benefit; the tributum was the citizen's duty to his country. Besides all these sources of revenue, the state claimed a monopoly of salt[20]; and the right of selling this most necessary article was also let by the censors on their own terms; for they fixed the price at which it was to be sold to the public. Why salt was thus considered as state property may probably be explained on the principle that the sea and the sea-shore belonged to no man; and in a country where the whole supply of salt comes from the sea, it would not appear unnatural that the state should take into its own hands the sale of a commodity so universally needed, and which was derived immediately from that element which no individual could claim as his property. At any rate, salt was at Rome, as afterwards in France, an article that could be sold only by the government.

With these almost kingly powers, and arrayed in

[20] The salt works at the mouth of the Tiber were said to have been first established in the reign of Ancus Marcius. Livy, I. 33. According to Gronovius' excellent note on the well-known passage in Livy, II. 9, the government in the earlier times of the Commonwealth kept the sale of salt in its own hands, and did not farm it, as was usual with the other vectigalia. But it was farmed, and the price at which it was to be sold was fixed by the censors in the year 548, when M. Livius, one of the censors, acquired from this very circumstance his nickname Salinator. Livy, XXIX. 37.

kingly state, for the censor's robe[21] was all scarlet, and not merely bordered with a scarlet band, elected by the curiæ, and holding their office for five years, the censors might well seem too great for a free commonwealth, and the patricians, in retaining an office so important in their own exclusive possession, seemed to have more than compensated for their loss of a part of the military tribuneship, had the constitution of 312 been really acted on. It was a most welcome law then to the commons, when the dictator Mamercus Æmilius, in the year 321, proposed the shortening of the term of the censor's office to eighteen months. Nor did the patricians refuse their consent to the measure; for there were many of their body who felt that a magistracy held for five years could be accessible only to a few individuals of the highest distinction; and that the mass of the patricians, no less than of the commons, would be subject to the power of the censors without being ever able to exercise it themselves.

The greatness of the censor's office has led me to depart a little from the chronological order of events, and to anticipate by a few years the regular mention of the Æmilian law. I now go back to the year 312, and the appointment of consuls in the room of tribunes of the soldiers, immediately after the institution of this latter office.

[21] Polybius, VI. 53. And a censor's funeral, funus censorium, used to be voted even to the emperors, as the most honourable and magnificent of any. See Tacitus, Ann. IV. 15, and XII. 2, with Lipsius' note on the first-quoted passage.

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Consuls continued to be appointed for the next four years; but a memorable event which occurred in the year 316 again led to the election of tribunes.

A.U.C. 315. A.C. 437. Scarcity, and extensive liberalities of Sp. Mælius.

The year 315 had been a season of great scarcity[22]; a special officer had been named with the title of præfectus annonæ, or master of the markets, in order to relieve the general distress; but he had been able to do very little, and the suffering was so extreme, that many of the poorer citizens threw themselves into the Tiber in despair. In this state of things[23], Sp. Mælius, one of the richest of the commons, and a member of one of the plebeian centuries of knights or equites, a man of large mercantile dealings, and having thus many connexions in the neighbouring countries, succeeded in making large purchases of corn, and issued it to the poorer citizens either at a very low price or even gratis. He thus became exceedingly popular, and was followed by a great multitude[24] whenever he appeared in the forum; so that it was supposed that he would attempt to win a share of the consulship for the commons, and was likely himself to become the first plebeian consul. The patricians, resolved to prevent this, procured the appointment of one of the most eminent of their order, T. Quinctius Capitolinus; but the danger might be only delayed: the scarcity still continued, and Mælius was gaining fresh popularity every day:

A.U.C. 316. A.C. 436.

[22] Livy, IV. 12.

[23] Livy, IV. 13. Zonaras, VII. 20.

[24] Zonaras adds, that he had actually provided himself with men to seize the Capitol, and other strong positions in the city; for this must be the meaning of the expression, ἐπορίσατο φρουρούς.

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the harvest was still distant, and if the distress became greater, the mingled despair and gratitude of the commons might overbear all opposition, and the consulship might be wrested from the patricians in spite of all their efforts. On a sudden[25] it was announced that the old L. Quinctius Cincinnatus had been named dictator by the consul T. Quinctius, in consequence of a meeting of the senate: the dictator had made C. Servilius Ahala his master of the horse; the patricians and the plebeian knights[26] had occupied the Capitol and the other strong places of the city during the night, and in the morning the dictator appeared in the forum, with the array of his four-and-twenty lictors, all bearing along with their rods those well-known axes which denoted his sovereign power, while he was supported besides by his master of the horse, at the head of a numerous body of the younger patricians in arms.

He is put to death by C. Ahala.

The dictator took his seat at his tribunal, and sent C. Ahala to summon Mælius to appear before him. As master of the horse, all the members of the cen-

[25] The senate, according to Zonaras, appointed L. Quinctius dictator before they left the senate house: and they did not separate till evening, that the result of their measures might not be prematurely known. The occupation of the Capitol during the night, and the appearance of the dictator in the forum early in the morning, ready to anticipate whatever might have been the designs of Mælius, remind us of the Doge of Venice, Gradenigo, and the energetic measures by which he met and baffled the conspiracy of the Querini and Thiepoli. See Daru, B. VII.

[26] Zonaras says, that the Capitol was secured διὰ τῶν ἱππέων. This may include the plebeian centuries of knights, but it certainly applies mainly to the patricians, who were all enrolled in the sex suffragia, or patrician centuries of knights or cavalry. And so, after the death of Mælius, Ahala is described as returning to the dictator, "stipatus catervâ patriciorum juvenum." Livy, IV. 14.

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turies of equites were under his immediate authority; and on this account perhaps he was chosen to deliver the summons. Mælius saw that his fate was determined; he endeavoured to fly; his enemies charged him with snatching up a butcher's knife[27], and endeavouring to repel the knights who were pursuing him: under somewhat similar circumstances the treacherous murder of Wat Tyler was excused by his pretended insolent behaviour to the king; and Ahala, as eager as Sir William Walworth to do his work, slew Mælius on the spot, as guilty of disobedience. The old dictator[28] justified the deed to the multitude: "Mælius had aimed, not at the consulship, but at making himself king; the master of the markets had reported to the senate that secret meetings were held at his house, and arms collected: to meet this danger the senate had appointed a dictator; he had proposed to try Mælius, and judge him according to his guilt or innocence; but as he had refused to obey his summons, and had resisted his own immediate commander, he had been lawfully slain[29]." Immediately afterwards, treating Mælius as a convicted traitor, he ordered his house to be levelled with the ground; thus the story of the concealed arms could never be disproved; for no time was allowed to the tribunes of the commons to search the house: Mælius' enemies might report

[27] Dionysius, XII. 1. Fragm. Mai.

[28] Livy, IV. 15.

[29] "Jure cæsum pronuntiavit," an expression which seems as technical and official as our verdict of "justifiable homicide." Suetonius pronounces this same judgment on the murder of Cæsar, "Prægravant cætera facta dictaque ejus ut . . . jure cæsus existimetur." C. 76.

whatever they pleased. The house stood under the Capitol, not far from the Mamertine prison [30], and the site of it was for ages after called the Æquimælium, or the Mælian level.

The commons are indignant at his death.

Such is the story which the traditions or memoirs of the Quinctian and Servilian families handed down, and which the annalists adopted on their authority. Whatever ambitious designs Mælius may have had, nothing, even according to the statement of his enemies, was proved against him; and his aiming at the consulship would have been a sufficient crime in the eyes of the patricians to tempt them to violent measures. On the other hand, charity was so little familiar to the Greeks and Romans, that the splendid munificence of Mælius is in itself suspicious; a time of great distress would make it easy for a man of his wealth to engage a band of armed adventurers, sufficient to put him in possession of the Capitol by a sudden attack; and then his popularity with the commons, and their hatred of the patricians, would have rendered him ample service. However, the commons were indignant at his summary death; and there is a dim and confused account of disturbances consequent upon it. Ahala was obliged to leave Rome [31]; and tribunes of the soldiers instead of con-

[30] Niebuhr, Vol. II. note 928. Bunsen, Beschreibung der Stadt Rom. Vol. III. p. 46. Varro, Ling. Lat. V. § 157. Ed. Müller.

[31] Valerius Maximus, V. 3, § 2. And so Cicero, de Republicâ, I. 3. Offensio commemoratur Ahalæ. He had just before spoken of "Camilli exilium," and immediately afterwards mentions "invidia Nasicæ." Now offensio is in itself an ambiguous term, and may signify either exilium or invidia; either "the misfortune or calamity of Ahala," or "the odium which he incurred." But then this odium may have induced him to leave Rome, as Nasica did,

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suls were chosen for the following year; thus much is intelligible; and the strength of the patricians in the comitia of the centuries, the immense power of the officer who presided at them, and perhaps also the natural leaning of the richer plebeians to the side of the patricians in a time of distress, when the contest was so likely to take the form of one between numbers and property, will sufficiently account for the election of three patricians, and amongst them of L. Quinctius, the son of the old dictator. But still the greatest number of votes was given to Mamercus Æmilius, who had been chosen one of the quæstores parricidii along with L. Valerius a few years before, and whose popular dictatorship four years later we have already noticed.

Story of L. Minucius having gone over to the commons, and of his popular acts.

There was, however, a much more mysterious story[32] to be found in some of the annalists from whom Livy compiled his history; that L. Minucius, that very master of the markets who is said to have given the first information of the dangerous designs of Sp. Mælius, now in the disturbances that followed went over from the patricians to the commons, was chosen by the ten tribunes to be their colleague, thus raising the number to eleven, and in this office put a stop to the dissensions. Further, he is said to have brought down the price of corn at the end of three market days to one as for the modius[33], and to have

without undergoing any formal trial; and then when his party was strong enough, he may have returned, according to the statement of the pseudo-Cicero pro Domo, c. 32, and this may have been called a return from banishment without much exaggeration.

[32] Livy, IV. 16.

[33] Pliny, Hist. Nat. XVIII. 4.

become so popular, that the commons presented him, as their deliverer out of misery, with an ox with gilded horns to offer as a sacrifice [34]; and a statue was erected in his honour without the Porta Trigemina, made out of the bronze or brass coins which the commons subscribed for the purpose, each man contributing an ounce, or the twelfth part of the as, which was still of the weight of a full pound.

Remarks on this story.

Dion Cassius has preserved a statement, that in these times many patricians did in fact go over to the commons; and it is remarkable that from this time forward we meet with none but plebeians of the name of Minucius, although patrician Minucii have hitherto occurred several times in the Fasti. And it is conceivable enough that if any man had wished so to

Livy describes this as if Minucius had sold at this rate the corn which Mælius had collected, and which had been confiscated after his death. But Pliny's expression, "in trinis nundinis ad assem redegit," implies a more gradual and at the same time a more extensive reduction of the price. If he proposed a law to fix a maximum, it would of course require three nundinæ to elapse before it could be passed; and this may be Pliny's meaning. Then the sale of Mælius' corn at a cheap rate may have taken place in the meanwhile; and if much corn had really been hoarded, it would naturally cause a great reduction of prices when brought suddenly into the market in the spring, especially if there was a promise of an abundant harvest in the coming summer.

[34] Livy mentions the ox, Pliny the statue, XVIII. 4, and XXXIV. 11, and both specify the place, extra portam Trigeminam, that is on the bank of the Tiber, between the north-eastern foot of the Aventine and the river. But as Livy's expression, "bove aurato extra portam Trigeminam est donatus," is rather strange, his editors have proposed various corrections, amongst which, the most plausible was that of Gronovius, who proposed to read "bove et prato." But a bos auratus, that is, auratis cornibus, was given by the consul to P. Decius, one of the tribunes of the soldiers, for saving his army in the first Samnite war, Livy, VII. 37: and Niebuhr's conjecture is simpler and more probable, that the words, "et statuâ," have dropped out in Livy's text, between "bove aurato" and "extra portam Trigeminam."

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degrade himself, as the patricians would consider it, he might have done it with no opposition on their part: nay, they would have at once cast him out from their body as an unworthy member; for the feeling of later times, when P. Clodius was adopted into a plebeian family, to enable him to stand for the tribuneship, and when the aristocracy opposed it as only furthering the purposes of his ambition, could not exist amongst the haughty patricians of the fourth century. On the other hand, Cicero treats these supposed passings over from one order to the other as mostly fictitious; and invented by plebeians, merely to claim for themselves kindred with an old patrician house of the same name. Nor is it probable that there could have been eleven tribunes at once; but it may be that L. Minucius so acted in concert with the tribunes as master of the markets[35], that he was said to be like an eleventh member of their college. The rest is sufficiently probable, that he proposed and carried, after the regular period of three market days, a law to fix the maximum at which corn should be sold; and this, in a season of scarcity, when the evil is always attributed by the vulgar to the covetousness of corn dealers, rather than to

[35] Three of the tribunes, we are told by Livy, had taken no part in proposing the vote of the commons, which rewarded Minucius with his ox and his statue; but on the contrary continued to revile him, as he had been the first person to give information to the senate of the supposed treasonable designs of Mælius. But the other seven, constituting the majority of the college, must have gone along with him in his measures as master of the markets, and his acting in concert with them, perhaps in some instances against the wishes of the patricians, may have given rise to the story.

natural causes, would quite account for his popularity.

Dictatorship of Mamercus Æmilius.

In the following year, however, consuls were again chosen, and continued to be so for four years, that is, till 321, when Mamercus Æmilius was appointed dictator. His law for abridging the duration of the censor's office so offended the existing censors, one of whom was M. Geganius Macerinus, already known as a zealous partizan of his order in his consulship in 308, that they degraded him from his tribe[36], and rated his property in the census at eight times as much as its real value. The commons were so indignant, that they called aloud for military tribunes instead of consuls; and for the next two years tribunes were accordingly elected; but still no plebeian was chosen, nor even any patrician distinguished for his attachment to the popular cause.

The tribunes of the commons are applied to by the senate to compel the consuls to submit to its authority.

Again, for five years we find the names of consuls in the Fasti, from 324 to 328 inclusive. But the power of the commons was silently and healthily advancing: and within this short period we find two remarkable instances of it. In 325[37], T. Quinctius, a son of the old L. Cincinnatus, and C. Julius Mento, were consuls. The Æquians and Volscians had united their forces, and assembled a great army at their usual position on Algidus. A pestilence, nearly cotemporary with that which visited Athens so fearfully in the early years of the Peloponnesian war, had prevailed in Rome at intervals during the

[36] Livy, IV. 24.

[37] Livy, IV. 26.

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last four years, and had carried off great numbers of the people. This gave a sense of weakness, and to increase it, the consuls attacking the enemy on Algidus were defeated. Then the senate resolved to appoint a dictator; but the consuls, jealous at this implied censure on themselves, refused to obey the senate's decree. Some party or family feuds, of which we know nothing, were most probably at work in this dispute; and it was proposed and carried that the senate should call upon the tribunes for their aid. Niebuhr thinks that the tribunes were called upon to propose the senate's decree to the commons, that their acceptance of it might give it the force of a law. Livy's story is, that the tribunes threatened to throw the consuls into prison, if they persisted in disobeying the senate. However this be, there was at any rate an important acknowledgment of the power of the commons, when the patrician senate appealed to them to enforce its authority over the highest patrician magistrates.

The question of a war with Veii is submitted to the centuries.

Again in 328, when a war with Veii was resolved on, the tribunes threatened [38] to stop the enlistments of soldiers, unless the question of going to war were first submitted to the people in their centuries. The senate had considered its own decree sufficient; but it had taught the tribunes by its own conduct not to regard it so; and accordingly the war was proposed in the comitia, and sanctioned by the votes of all the centuries.

[38] Livy, IV. 30.

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A.U.C. 325. A.C. 427.

Law for a fixed money commutation for the fines of sheep and oxen.

These were great constitutional points; another matter, deeply affecting individuals, had been provided for by a law passed three years before, which fixed a definite money commutation for the fines of [39] sheep and oxen commonly imposed by the consuls for contempt of their jurisdiction. That the payment of these fines in kind would be often highly vexatious is obvious: and if the consul were allowed to fix his own rate of commutation, it might bear hardly on the delinquent, especially if, as is probable, the brass money was now beginning to rise in value, so that the old money price of an ox or a sheep would be now more than it was worth. Cicero's statement [40] is, that the censors L. Papirius and P. Pinarius had imposed their fines in kind, and had thus seized so many cattle, that the consuls, to relieve the commons, fixed an easy rate of money commutation, at which the cattle might be redeemed.

A.U.C. 331. A.C. 421.

New demand for an agrarian law.

From the year 329 to 341 we have tribunes constantly, with the exception of only two years, instead of consuls. In 331, after a long interval [41], we again hear of a call for an agrarian law; recent victories over the Volscians and Veientians had added probably to the amount of the demesne land; and the patricians who occupied it, either paid no acknowledgment for it at all, or if they did, it went not in the national treasury, but into that of their own order; the commons reaped no benefit from it. At the same time the commons had to serve at their own expense

[39] Livy, IV. 30.
[40] De Republicâ, II. 35.
[41] Livy, IV. 36.

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in war; and thus, as the poorer classes could ill support this burden, and could provide themselves only with the most inferior arms, the numbers and the efficiency of the regular infantry were much below what they might have been. Accordingly, the tribunes demanded that there should be a division of a portion of the demesne land amongst the commons; and that the occupiers of the remainder should pay their vectigal regularly, and that it should be devoted to the purpose of paying the soldiers. Here was a question in which the mass of the commons were interested: and it was likely, that during the continuance of this contest, the leaders of the commons would gain some of those points which they so longed for, but which were of far less importance in the estimate of their followers, an admission to the higher magistracies.

A.U.C. 334. A.C. 418. The office of the quæstores classici is thrown open to the commons.

A favourable opportunity presented itself three years afterwards, in 334: when the patricians [42] themselves proposed an increase in the number of the quæstores classici, those officers chosen by the centuries, and quite distinct from the quæstores parricidii, whose business it was to receive all money paid to the public treasury, and to make all payments from it. This was an office of great trust and dignity, and was usually regarded as a title to a place in the senate; the censors, in drawing out their list of that body, generally included in it the quæstors of the last five years. Now, as wars were beginning to

[42] Livy, IV. 43.

be carried on on a greater scale, and were attended with more success than formerly, it was desirable to have two new quæstors to accompany the armies to the field, and to take charge of the plunder that might be gained, or of the lands that might be conquered. But the tribunes naturally demanded, that if the college of quæstors were thus increased to four, two of them should be chosen from the commons. This the senate would not listen to, but proposed that the whole number should be taken indiscriminately from either order. When the tribunes refused to accept this compromise, having learned from experience that such a pretended free choice would always end in the exclusive election of patricians, the senate dropped the measure altogether. But the tribunes then brought it forward themselves, and after long disputes, the compromise first proposed by the senate was accepted, and the quæstorship, with its four places, was declared by law to be open alike to the patricians and to the commons.

Dispute about the agrarian law. Murder of M. Postumius by his soldiers.

Here again the advantage gained by the commons as an order was great; but the individuals who had sowed the seed did not reap the fruit; for again, owing to the great influence of the magistrate who presided at the comitia, none but patrician quæstors were chosen. Still the commons waxed stronger: three years afterwards, in 337, an agrarian law[43] was passed, by which fifteen hundred of the commons received allotments of two jugera a man out of the

A.U.C. 337. A.C. 415.

[43] Livy, IV. 47.

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land lately conquered from the people of Lavici. But a larger division of the demesne land was demanded, and in a quarter where it could be enjoyed more securely; for the colonists sent to a frontier district would have continually to defend their new property with their swords, and men naturally longed for a division of the old demesne nearer home, which every new advance of the Roman boundary placed at a greater distance from danger. This, however, the patrician occupiers of this land were too powerful to permit; and the contest really turned upon the disposal of the new conquests. Thus, in 340, Bolæ was conquered, a town of the Æquians, not far from Lavici; and the commons required that a portion of this newly-won territory might, at least, be allotted to them. Even this was resisted, and by none more vehemently than by M. Postumius Regillensis [41], one of the military tribunes of the year 341. He commanded one of the armies which were in the field against the Æquians, and abusing his military power for political purposes, he threatened to visit upon his soldiers any display of feeling which they might have shown in favour of the proposed agrarian law. This excited universal indignation, which he heightened by refusing to his army any share of the spoil which they had won in recovering Bolæ from the Æquians. Open discontent then broke out, and Postumius repressing it with extreme severity, and the most merciless executions, provoked his soldiers to a mutiny, in which he was stoned to death.

A.U.C. 340. A.C. 412.

[41] Livy, IV. 49, 50.

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Proceedings in consequence of this murder.

A crime so rare in the Roman annals produced its natural and just consequence, a reaction against the cause which appeared to be connected with it. Consuls were chosen instead of tribunes of the soldiers; and the commons, to whom the senate had given the choice of the judge[45] in this cause, commissioned the consuls to inquire into the murder of Postumius, and to punish the guilty. This choice was sanctioned by the curiæ, and the judges thus appointed fulfilled their task with moderation, so that the influence which the patricians had gained by the whole transaction was marked by the undisturbed election of consuls for three years following. But by that time the feeling had changed: the continued opposition of the patricians to any agrarian law seemed a more present evil than the murder of Postumius: and while that crime had been duly punished, the injustice of the patricians was triumphant. It is dangerous to overlook a change in public opinion, and still more to try to force in its old direction the tide which is beginning to turn. The patricians carried the election of consuls for a fourth year, in spite of a strong feeling of discontent; but the commons were so roused, that in spite of all obstruc-

A.U.C. 346. A.C. 406.

[45] "A plebe, consensu populi, consulibus negotium mandatur." Livy, IV. 51. A remarkable passage, which Niebuhr, as may be supposed, has not forgotten to appeal to, as a proof of the identity of the populus in old times with the patricians. It would seem as if the murder of Postumius was regarded as a crime committed by plebeians against the patrician order; it was then an act of moderation in the senate, to allow the offending party to name the judge, and the patricians, to whom the injury had been done, would at any rate require that the nomination should be submitted to them for their approval.

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tions caused by the presiding officer, they elected at the open comitia of quæstors [46] no fewer than three plebeians.

Contests about the agrarian law continued.

Then the agrarian law was demanded more vehemently than ever, and three tribunes, all of the Icilian family, were conspicuous as the leaders of the commons. The year passed away in these contests, but the commons insisted on having tribunes instead of consuls for the year following; and this was consented to [47], but at the same time rendered nugatory by the condition annexed to it, that none of the tribunes of the commons of that year should be either re-elected to the same office or be chosen tribunes of the soldiers. Thus those candidates being excluded whose claims were greatest, the patricians once more succeeded in defeating the plebeian candidates of less name, and in obtaining every place in the tribuneship for their own body.

A.U.C. 349. A.C. 403.

Pay granted to the soldiers; numbers

Two years afterwards came the issue of the contest. A truce which had been concluded for twenty years [48] with the Veientians was now on the point of

[46] Livy, IV. 54.

[47] Livy, IV. 55.

[48] Livy, IV. 58. Livy says that in the year 348 the truce had already expired, and as it had been concluded, according to his own account, in the year 330, Niebuhr supposes that it must have been intended to last only for twenty cyclic years, of ten months each. But we find that hostilities did not begin till 350, and no one will believe that the Romans allowed two years, in which they were, according to ancient notions, at war with Veii, to pass away without attacking their enemy, because the Veientians were involved in civil dissensions, and the Romans were too generous to take advantage of their weakness. We see from Thucydides, V. 14, that it was usual when a truce was nearly expired to negotiate as to the terms on which it might be renewed: and this, I doubt not, is the true explanation of the negotiations that went on during the years 348 and 349.

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Number of tribunes of the soldiers increased to six.

expiring; and as war rather than peace was supposed to be the natural state of things between two nations, unless some express treaty was interposed, so at the end of the truce hostilities would be resumed of course, unless either party wished to renew it, and was willing to purchase its continuance on the enemy's terms. Rome now felt itself much stronger than Veii, for that town had been lately torn with internal discords, so much more violent and injurious than those of Rome, in proportion as there was less of equal law and of acknowledged rights. The Romans therefore put a higher price on the renewal of the truce than the Veientians would consent to pay; and both nations prepared for war. This was the moment for the commons to press their claims, and they refused to vote for the war unless something was done to satisfy them. The patricians, looking forward to all the glory and dominion promised them by the expected conquest of Veii, or yielding to the power of justice, at last gave way. The vectigal [49], or tithe, due from the occupiers of the public land, was to provide pay for the soldiers; if this were not sufficient, it was to be made good by a tax or tribute levied upon the whole people, according to the census of every citizen: and six tribunes of the soldiers were henceforth to be elected

[49] This is not stated by Livy; but as it had been the great object insisted on by the tribunes, it is natural to suppose that it must either have been granted or at any rate promised. It was probably however paid very irregularly, and hence the pay of the soldiers would, in point of fact, be provided chiefly out of the tax or tributum.

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annually; one of whom, as Niebuhr thinks, was always to be a patrician, and to perform the important judicial duties afterwards discharged by the prætor urbanus; the other five were to be elected indiscriminately from either order. At any rate, six tribunes were elected from this time forwards, and this increased number gave the commons a greater likelihood of seeing some of the places filled by men of their own body. And so it happened, in fact; but for this the commons had yet to wait five years more.

Accordingly pay[50] was issued to the soldiers, six tribunes of the soldiers were elected, and in the year 350, about the end of the Peloponnesian war, the Romans began their vast career of dominion by laying siege to the great Etruscan city of Veii.

A.U.C. 350. A.C. 402.

[50] Livy, IV, 59—61.

CHAPTER XVIII.

WARS OF THE ROMANS FROM 300 TO 364—THE ÆQUIANS AND VOLSCIANS—THE ETRUSCANS—SIEGE AND CAPTURE OF VEII.

Τὰ μὲν σπενδόμενοι, τὰ δὲ πολεμοῦντες—εὖ παρεσκευάσαντο τὰ πολέμια καὶ ἐμπειρότεροι ἐγένοντο, μετὰ κινδύνων τὰς μελέτας ποιούμενοι.

THUCYDIDES, I. 18.

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The foreign history of Rome is even more uncertain than the domestic.

THE internal history of Rome in the first century of the Commonwealth is obscure and often uncertain; nor can we venture to place full confidence in the details of events, or of individual characters. The family traditions and funeral orations out of which the oldest annalists compiled their narratives were often, as we find, at variance with each other, and dealt largely in exaggeration and misrepresentation. Yet still up to a certain point they were a check upon one another; there were necessarily limits to falsehood, when fellow-citizens, whether individuals or parties, were the subject on which it was exercised. But with regard to foreign enemies, even this check was wanting. Every family might claim victories over the Æquians or the Veientians: there was no

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sufficient knowledge of chronology to make it evident that the story of one victory and one triumph was fatal to the truth of others; the accommodating annalists found room for all. The account then of the early wars of the Romans cannot be trusted implicitly in its merest outline; we have the highest authority [1] for saying that victories and even triumphs were sometimes purely imaginary; a year which is filled with pretended successes of the Romans may have witnessed nothing but their defeats. We are reduced, therefore, not only to an outline, but to one made up from such scattered and almost accidental notices, that scarcely any one but Niebuhr would have attempted, far less have been able to restore it. Here, as well as in the domestic history, the work is almost done to my hands: it were endless to make particular acknowledgments, when scarcely a page of this volume could have been written, had I not enjoyed the benefit of Niebuhr's guidance.

Advance of the Roman power between 300 and 364.

Our last notice of the foreign affairs of Rome stopped at that disastrous period, the end of the third century, when the Æquians and Volscians, having overrun Latium, having occupied many of the Latin towns, and established themselves on the Alban hills, were in the habit of carrying their plundering inroads up to the very walls of Rome. And whilst the Opican nations were thus formidable on the side of Latium, the Sabines made frequent descents into the

[1] That namely of Cicero, in the often-quoted passage of his Brutus, c. 16. "Multa scripta sunt in eis (scil. in mortuorum laudationibus) quæ facta non sunt, falsi triumphi," &c.

Roman territory, between the Tiber and the Anio, and sometimes spread their ravages on that side also as far as the immediate neighbourhood of the city. Such nearly was the state of things about the year 300, which may be considered as the lowest point of the Roman fortunes. The next sixty years witnessed a wonderful change; at the end of that period the Roman power had spread itself out on every side, and the Opican nations, the Sabines, and the Etruscans, had all given way before it.

Successful war and peace with the Sabines.

Of these three enemies, the Sabines were the soonest and most effectually repelled. After the year 306, when M. Horatius Barbatus, the deliverer of the Roman commons from the decemvirs' tyranny, is said to have gained a great victory over them [2], we read of them no more during a period of more than a hundred and fifty years. A treaty of some sort or other must have followed this victory; perhaps it was only a truce for a certain number of years, which may have been continually renewed by mutual consent; the Romans having enough to do in Latium and in Etruria; and the Sabine youth finding a field for their enterprize, by joining their kinsmen, the Samnites, who soon after this time began their conquests in Campania. Thus the Roman territory along the left bank of the Tiber was left in peace, and the frontier of the Commonwealth on this side remained long unaltered, being bounded

[2] Livy, III. 62, 63. Fasti Capitolini. "M. Horatius, M. F. Barbatus, de Sabineis (triumpha-vit) Ann. CCCIV. VII. K. Septembr."

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by the territory of the Sabine city of Eretum, which was situated about nineteen miles from Rome.

Wars with the Æquians and Volscians. Dictatorship and victory of A. Postumius Tubertus.

A far more obstinate and varied contest was maintained against the Æquians and Volscians. It is pretended that L. Valerius, the worthy colleague of M. Horatius, gained a great victory over them in the year 306 [3]; but in 309 [4] we find them again overrunning the Roman territory, and advancing unopposed for the last time as far as the walls of Rome by the Esquiline gate. In that same year T. Quinctius the consul is said to have gained a great victory over them, and there is this evidence of its reality, that the Romans established a garrison on the enemies' frontier at Verrugo [5]; a place undoubtedly on the Alban hills, but whether on Algidus above Tusculum, or on the side of Velitræ looking towards Antium and the Volscian lowlands, seems impossible to be ascertained. From this time we hear of no general efforts of the Æquians and Volscians for fifteen years; but in 324 the united armies of the two nations again appeared on Algidus [6], and the Romans in alarm named A. Postumius Tubertus dictator to oppose them. That the danger was great, is shown by the dreadful story related of A. Tubertus [7],

A.U.C. 324. A.C. 428.

[3] Livy, III. 61.
[4] Livy, III. 66.
[5] Livy, IV. 1.
[6] Livy, IV. 26.
[7] Livy, IV. 29, mentions the story, but wishes not to believe it. It is related however by Diodorus, XII. 64; by Valerius Maximus, II. 7, § 6; and by Aulus Gellius, XVII. 21. Gellius also speaks of "Posthumia" or "Posthumiana imperia et Manliana," I. 13, § 7; although it is one of Livy's reasons for not believing the story, that the common proverbial expression to denote power arbitrarily and cruelly exercised was "imperia Manliana non Postumiana."

that he executed his own son, for having engaged with the enemy without orders, although successfully. This rigorous observance of discipline always occurs in Roman history, when the Roman arms were engaged in any contest more than ordinarily hazardous; and thus in the great Latin war about ninety years after this period, the act of A. Postumius Tubertus was again repeated in the more famous instance of T. Manlius. On the present occasion the Latins and Hernicans aided the Romans with their whole force, and the Opican nations were completely defeated. A truce of eight years was concluded with the Æquians [8]; the power of the Volscians, already shaken by their defeat, was further weakened by civil dissensions; the advocates for peace and war proceeding to the most violent extremities against each other.

War on the Æquian frontier.

Eight years afterwards [9], the Opican nations, first the Volscians, and soon after the Æquians, again

[8] Livy, IV. 30.

[9] According to Livy, the Æquians had obtained a truce for eight years, in the beginning of the year 325. IV. 30. Five years afterwards, in 330, they are described as suing again for an extension of this term, and obtaining an additional truce for three years. IV. 35. The renewal of hostilities is placed in the year 334, Livy, IV. 43; but it may be concluded that it should in fact be placed a year earlier, and that the year 333, which with the Roman annalists is wholly devoid of military transactions, was indeed devoid of Roman victories, but not of defeats, or at least of disasters. For Livy begins the account of the next year with the words, "Non diutius fortuna Æquis indulsit, qui ambiguam victoriam Volscorum pro suâ amplexi fuerant." Now this "dubia victoria" had been won in 332, and the expression, "non diutius indulsit," would imply that for a certain time fortune had favoured the Æquians; in other words, that they, encouraged by the Volscians' success in 332, took up arms themselves in the following year, and were during that year masters of the field. Thus it would seem that a truce of eight years, not cyclic but common years, had been observed from 325 to 333; and the probability is, that the term originally agreed upon was five years, to

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Lavici and Bola taken by the Romans.

renewed the contest. The seat of war was again on the frontier of the Æquians: and there in the year 332 the Romans received a check which we may not improbably conjecture to have been a serious defeat. But four years afterwards, in 336, the people of Lavici [10] are mentioned as joining the Æquians, and are spoken of as new enemies. Lavici, now La Colonna, placed on an isolated hill which rises as a sort of outwork at the northern extremity of the Alban cluster, had been one of the thirty Latin cities which signed the treaty of alliance with Rome in 261. Since that time the conquest of the Opican nations had separated it from its old confederacy, and it had possibly received an Æquian colony; but it had hitherto taken no active part against Rome. Now however it openly joined the Æquians; and its soldiers, after having ravaged the neighbouring territory of Tusculum, encamped together with their allies in their old station on Algidus. They gained one victory, but it was speedily retrieved by the dictator Q. Servilius Priscus; Lavici was taken by the Romans [11], its inhabitants massacred, expelled, or sold for slaves, and a large portion of its land was allotted to colonists of the Roman commons. This was a decided conquest, and gave the Romans possession of an advantageous post on their enemy's frontier. The victory seems also to have shaken the Æquian

which three were afterwards added; Livy's mistake consisting in this, that he supposes the whole eight years' truce to have been granted in 325, and that the three years added in 330 were an addition to this number.

[10] Livy, IV. 45.

[11] Livy, IV. 47.

confederacy; for Bola, another town formerly belonging to the Latins, but wrested from them by the Opican conquerors, was allowed by the other Æquian states to fall unassisted, and another important post was thus occupied by the Romans. This happened in the year 341 [12].

Continued successes of the Romans, Latins, and Hernicans.

The tide had now turned, and as ill success loosened the bond which held the Opican nations and cities together, so victory strengthened the alliance of the Romans, Latins, and Hernicans. In 342, this last people recovered Ferentinum [13], one of their towns which the Volscians had formerly conquered: and as we hear in two following years of the ravage of the Latin and Hernican territory by the enemy, we cannot doubt that all the three confederate nations took an active part in the war. The Opicans, however, struggled vigorously; the frontier posts of Verrugo [14] and of the castle of Carventum [15] were taken and retaken: but the Æquians suffered so much from having the seat of war so continually on their frontier, that in the rally of the Opican league, which took place in the year 347, the lowland Volscians appear at the head of the confederacy, and the gathering place of the army was at Antium. For two years nothing decisive happened; but in 349 [16]

[12] Livy, IV. 49.
[13] Livy, IV. 51.
[14] Livy, IV. 55, 56. 58.
[15] Livy, IV. 58. 55. The position of Carventum and of its castle or citadel is wholly unknown. Sir W. Gell puts it doubtfully at Rocca Massimi, a high point on the Volscian highlands near Cora. Bunsen suggested to me the high ground of Monte Ariano, Mons Artemisius, the south-eastern summit of the Alban hills, which rises above Velletri. I have not been able to find any notice of the place in Westphal's work on the neighbourhood of Rome.
[16] Livy, IV. 59.

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the Romans opened the campaign with their force divided into three small armies; and while one threatened Antium, and a second advanced upon Ecetræ, laying waste the country on every side to divert the enemy's attention, the third pushed direct for Anxur, or Tarracina, a most important place, standing at the very end of the plain of the Pontine marshes, at the point where the Apennines of the Volscian highlands come down close upon the sea.

They take Tarracina, or Anxur,

Tarracina[17], a Tyrrhenian city, had been subject to Rome in the last period of its monarchy; immediately afterwards it had been conquered by the Volscians, and from them received its name of Anxur; it is the natural gate of the country round Rome on the one hand, and of Campania on the other, and its capture would restore the Roman boundary to the extent which it had formerly reached under the Tarquinii. Its distance from the front of the war probably put its inhabitants off their guard, and it yielded to the sudden attack of the Romans with little resistance[18]. Twenty-five hundred of the inhabitants, who survived the storming of the town, were saved alive to be sold for slaves; and the two divisions which had covered the siege now came up to join their comrades, and the plunder of the town was given to the whole army without distinction. Two years afterwards the

[17] It was probably a town belonging to the same race as Circeii and Ardea; that race which may be called either Tyrrhenian, Pelasgian, or Sikelian, and which in language and religion bore so close an affinity to the Greeks. Tarracina is mentioned as a dependent ally of Rome in the first treaty between Rome and Carthage, concluded in the first year of the Commonwealth. See Polybius, III. 22.

[18] Livy, IV. 59.

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Romans invaded the Volscian highlands, and Artena[19], on the edge of the mountains, looking across to the Alban hills at the back of Algidus, was taken and razed to the ground. From henceforward the attention of Rome for some years was so much engaged by her wars on the Etruscan frontier, that she would have been well contented to have maintained and secured her conquests from the Æquians and Volscians, without endeavouring to extend them. And now was proved the advantage of the occupation of posts on the enemies' territory, and still more of the Roman system of colonies. When Anxur was taken, the neighbouring Volscian cities seem to have concluded a truce with Rome to save their lands from ravage; at least there was a free intercourse between them and the garrison, and the Roman soldiers were scattered[20] over the neighbourhood to traffic with the inhabitants instead of plundering them. Advantage was taken of this, and Anxur was surprised by a sudden attack and recovered. But as the Volscians are not charged with perfidy, we must either suppose that the assailants came from some of the more distant cities, which had not been included in the truce, or that the truce itself was concluded only for periods of a few days[21], and continued by

and Artena.

Anxur is lost again by a surprise.

[19] Livy, IV. 61. The present Monte Fortino, according to Sir W. Gell; and according to Westphal also, if Artena, Ortona, and Virtona, be, as is probable, only one and the same place. I learn from a review of this history in the Dublin Review, No. XIII., that Nibby fixes the exact site of Artena at a place not more than a mile on the south-east of Monte Fortino, where the remains of a polygonal wall on a high level spot are still visible.

[20] Livy, V. 8.

[21] Like the ten days' truce, which was all that the Bœotians could be persuaded to agree to with Athens,

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successive renewals; and that at the end of one of these periods the Volscians had refused to renew it, whilst the Romans had fully depended on its continuance. This was in 353, and two years afterwards Anxur was again recovered by a fresh surprise, the Volscians[22] neglecting to guard their walls whilst keeping a festival. It was recovered just in time; for as the war of the Romans with Veii and the neighbouring cities still continued, the Opican nations seem to have renewed their league, and made another combined effort to retrieve their losses. In 358[23] the Volscians were employed in besieging Anxur, while the Æquians were surrounding Lavici: had not the Romans possessed these two posts, the enemy might have again spread ravage over their whole territory, at a moment when a force could ill have been spared to check them. As it was, Anxur and Lavici were left to their own resources, and to the aid of the Latins and Hernicans, who at this critical period seem to have sustained the whole weight of the struggle with the Opican nations, for all the Roman armies were engaged elsewhere. Whether Lavici was taken or not, we know not; but in the next year Veii fell, and then the Æquians and Volscians solicited and obtained a truce[24]. The Romans availed themselves of it to establish a new colony in the country conquered from the Æquians, at Vitellia[25], not far from Præneste, on the opposite side

But again recovered.

The Romans establish a colony at Vitellia, on the Æquian frontier.

when Lacedæmon concluded the peace of Nicias. See Thucydides, V. 26. 32.

[22] Livy, V. 13.

[23] Livy, V. 16.

[24] Livy, V. 23.

[25] Livy, V. 24. 29. Sir W. Gell places Vitellia at Valmonte,

of the great gap or break by which the chain of the Apennines is there interrupted. They had found the benefit of their colony at Lavici; and this more distant settlement was made proportionably stronger; three thousand colonists were sent to occupy it instead of fifteen hundred. But the Æquians were more roused than daunted by this occupation of Vitellia, as they had already been taught the importance of such colonies. We hear nothing of the Volscians, so that they probably remained at peace; but the Æquians, though alone, dislodged the Romans from their old post of Verrugo[26], and in the following year surprised the new colony of Vitellia. Four years after the fall of Veii, the whole force of Rome under both consuls was once more employed against the Æquians on the old battle ground of Algidus[27]; which clearly shows that the Æquian frontier had again advanced, and that Vitellia and its territory were lost to Rome. An easy victory is indeed claimed for the Roman armies in this campaign, but the contest was not over, and its issue was still undecided, when in the next year the storm of the Gaulish

The Æquians destroy it.

The war undecided up to the time of the Gaulish invasion.

in the situation described in the text. Westphal puts it, but doubtfully, immediately under the north-east extremity of the Alban hills, on that shoulder of ground, raised above the ordinary level of the Campagna, which connects the roots of the Alban hills with the Apennines.

[26] Livy, V. 28.

[27] Livy, V. 31. According to Diodorus, Velitræ and Satricum revolted from Rome at this period, and Circeii must have been lost previously and recently recovered again, as a colony was planted there in the year 362. It is clear from this statement, that the Opican nations were rather roused than daunted by the fall of Veii, and were carrying on the war with Rome with unabated vigour, down to the very time of the Gaulish invasion. See Diodorus, XIV. 102. 106.

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invasion broke upon Latium, and crushed both of the contending parties; the Romans, however, for a short time only, the Æquians for ever.

Results of this long contest.

Thus in her long contest with the Opican nations, Rome had advanced indeed from her depressed state at the beginning of the century, yet had by no means reduced her enemies to submission. The occupation of Anxur on the side of the Volscians, of Lavici and Bola on the Æquian frontier, was an important advantage; but the attempt to effect a settlement within the line of the Æquian highlands had been utterly defeated, and the Æquians, instead of defending their own country, were still able to fix the war on what may be called their advanced post of observation, the Alban hills; and from their vantage ground of Algidus could still overhang Tusculum, and threaten devastation to the whole territory of Rome. It was in the opposite quarter, on the right bank of the Tiber, that the Romans made the first important addition to their dominion, and, for the first time since the days of their kings, increased their power by an accession of new citizens from the population of the countries which they conquered.

Wars with Veii and Fidenæ.

We have seen that in the year 280[28], the Veientians had concluded a peace with the Romans for forty years. But in the year 317 the two nations were again involved in war; whether we are to suppose, with Niebuhr, that the truce was to last only for forty cyclical years of ten months each, and

[28] See Chapter XII.

therefore that it had expired three years before, or whether it was brought to a premature termination, like the thirty years' peace between Athens and Sparta, which was cut short in the midst by the breaking out of the Peloponnesian war. The latter seems the more probable, because the quarrel is especially said to have originated in the revolt of Fidenæ; whereas, had the truce been at an end, no particular cause of war would have been needed; hostilities would have been resumed as a matter of course.

Situation of Fidenæ. It is twice taken, and finally kept by the Romans.

The left bank of the Tiber, immediately above its confluence with the Anio, is skirted by a line of low hills at the distance of about half a mile. On one of these, which, like all the hills of the Campagna, break off into cliffs on their sides, stood the town of Fidenæ[29], between five and six miles distant from Rome; the citadel, as some think, was on a higher point of the ridge, separated from it by a valley, and rising immediately above the river. Fidenæ is described as an old Roman colony, established as early as the time of Romulus[30]; other accounts call it an Alban or Latin colony[31], while it is represented as

[29] Westphal places Fidenæ at the site of the modern Villa Spada, just five miles from Rome; a spot which is now shown to strangers as the site of the villa of Phaon, Nero's freedman, and the place where Nero killed himself. According to Sir W. Gell, Fidenæ was about half a mile further on the road, and its citadel stood on the isolated hill of Castel Giubileo, which rises immediately above the Tiber. Westphal says that some inscriptions have been found, which identify the spot. If so, and if I recognize his description, the excavations in the rock behind the Villa Spada, resembling those at Snenton near Nottingham, would be probably the tombs of the citizens of Fidenæ.

[30] Compare Livy, I. 14, and 27.

[31] Dionysius, II. 53, says that Fidenæ, Nomentum, and Crustu-

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having been originally a city of the Etruscans[32]. It is said also to have twice revolted from Rome since the expulsion of the kings, and to have been twice reduced, the last time in the year 256[33], and to have forfeited the half of its territory to the Roman garrison or colonists who occupied its citadel. All that can be gathered from these stories is, that the subject population in Fidenæ consisted chiefly of Etruscans; and that the ruling part of the inhabitants, the citizens of the colony, were Romans. In the year 317[34], from some causes of which we know nothing, the old Etruscan population rose against the Roman colonists, expelled them, and then put themselves under the protection of Veii. It is added that four Romans, sent to remonstrate with them upon their revolt, were murdered by them at the command of the Veientian king, who was become their new sovereign; and statues of the men thus slain, were afterwards set up in the rostra; an honour that

meria were all of them Alban colonies, founded at the same time by three brothers. Virgil names Fidenæ along with Nomentum and Gabii, and also speaks of it as an Alban colony. Æn. VI. 73.

[32] Livy, I. 15. Strabo, V. 2, § 9, p. 226. Plutarch makes Fidenæ, Crustumeria, and Antemnæ to have been Sabine towns, Romulus, 17. Müller well remarks, that in Fidenæ and Crustumeria, as in Rome, we find traces of these same three elements of the population, Latins, Sabines, and Etruscans. But at Fidenæ, the close connexion of the place with Veii, (to which place it seems to have been subject or dependent, as was also Capena,) seems to show, that previously to its final conquest by the Romans, the Etruscan element was predominant. See Müller's Etrusker, Vol. I. p. 113. 361.

[33] Dionysius, V. 60.

[34] Livy, IV. 17. He speaks as if the Roman colonists had revolted; but Niebuhr seems right in supposing, that when we read of the revolt of a colony in these early times, we should understand it not properly speaking of the colonists, but of the subject population who arose and drove them out, and then asserted their own independence, or connected themselves with some people of their own race.

was paid two centuries later to the ambassadors murdered by the Illyrian queen Teuta. This revolt of Fidenæ, and the protection afforded to the revolters by the Veientians, led to a renewal of war between Rome and Veii; and the seat of the war was removed not only from the right to the left bank of the Tiber, but even on more than one occasion to the left bank of the Anio, that is to say, within three miles of Rome. In 320, however, Q. Servilius Priscus [35], who was appointed dictator, is said to have taken Fidenæ, and new colonists were again sent to occupy the place; but in 329 we read of another revolt, accompanied by a massacre [36] of the colonists, and Mamercus Æmilius was named dictator to meet this new danger. He gained a great victory over the Veientians and Fidenatians, and again took Fidenæ; but this time the work was done effectually [37], the Etruscan population were either massacred or sold for slaves, and the town and its territory remained from henceforth in the undisturbed possession of the Romans. At the same time a peace was concluded with the Veientians for twenty years [38].

War with Veii.

This was in 330, but in the year 348, Livy says that the term of the truce had already expired [39];

[35] Livy, IV. 21. The common editions of Livy, including Bekker's, call him A. Servilius, following in this most of our present MSS. But Glareanus says that most of the MSS. had "Quintus," and that "Aulus" was the reading of Aldus' MS. which he followed in his edition. Sigonius, Glareanus, Pighius, and Drakenborch, all prefer the reading "Quintus."

[36] Livy, IV. 31.

[37] Livy, IV. 34.

[38] Livy, IV. 35.

[39] Livy, IV. 58. Tempus inducarum exierat.

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so that Niebuhr conjectures that in this instance also we must reckon by cyclical years of ten months, and that the truce was only concluded for sixteen common years and eight months. On the other hand, if this were so, the truce must have expired early in 347, for there seems no foundation for Niebuhr's conjecture, that it had not begun before 331: it was surely likely that it would have been solicited immediately after the taking of Fidenæ, and concluded early rather than late in 330; much less can we suppose it to have been delayed till the year following. Besides, we read of no actual hostilities before the year 350, that is, till the end of twenty common years; and the story that the Romans forbore to press their demands on Veii during the year 348 out of magnanimity, because the Veientians were distracted by internal factions, is suspicious enough to throw discredit upon the whole narrative which involves it. It is far more probable, that as the expiration of the truce drew near, both parties tried what could be gained by negotiation [40]. The Romans were engaged in war with the Æquians and Volscians, and although successful in the campaign of 347, yet they had obtained no decided advantage. Thus the Veientians tried to spin out the negotiation till they should see the event of the next campaign, but as that was unfavourable to the Romans, the garrison at Verrugo being surprised and cut to pieces by the Volscians, the Veientians took courage

[40] See note 48 of the last chapter.

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and refused to grant the Roman demands. The next year, however, greatly altered the face of affairs; the Romans were completely successful against the Volscians, and took the important city of Anxur: war with Veii was now looked forward to with delight, the commons were conciliated by the grant of pay to the soldiers, and thus at the close of the twentieth year of the truce, apparently in the spring of 350, the Roman people voted for instant war with the Veientians; and the military tribunes of that year[41] commenced the invasion of the Veientian territory, and the occupation of fortified posts in the neighbourhood of Veii.

The siege of Veii formed.

Again, in the year following, 351, the Roman arms were called off from Veii by the Volscian war[42], and nothing was attempted against the city. But in the next year the Volscians were quiet, and the siege of Veii was commenced in earnest. Livy's expressions[43] convey the notion that a double line of walls was carried all round the city, as at Platæa, the inner wall to blockade the besieged, the outer one to shelter the besiegers from any attempt to raise the siege on the part of the other states of Etruria. But the circuit of the walls of Veii, according to Sir W. Gell's measurements[44], was above

A.U.C. 352. A.C. 400.

[41] Livy, IV. 61. Ab his primum circumsessi Veii sunt.

[42] Livy, IV. 61.

[43] Livy, V. 1. Ita muniebant ut ancipitia munimenta essent, alia in urbem—versa, aliis frons in Etruriam spectans auxiliis, si qua forte inde venirent, obstruebatur. Compare Thucydides' description of the Peloponnesian lines round Platæa: τὸ τεῖχος εἶχε δύο τοὺς περιβόλους, πρός τε Πλαταιῶν, καὶ εἴ τις ἔξωθεν ἀπ' Ἀθηνῶν ἐπίοι. III. 21.

[44] See the conclusion of the article "Veii," in his work on the topography of Rome and its vicinity.

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five miles; the besiegers' line therefore must have embraced a still larger space, and the deep valleys with rocky sides, between which the small streams of this district always flow, would have offered formidable interruptions to the work. Besides, it is manifest that if such a circumvallation had been completed, Veii must have been starved out within a year, instead of resisting for seven years, and not being even at last reduced by famine. It appears rather that the two Roman armies employed in the siege established themselves in two separate camps, and secured the communication between them as well as they could by detached forts, intending to carry on their circumvallation on each side from their camps, as the Athenians did at Syracuse, till it should meet and effectually inclose the city. And as it was necessary that the lines should be maintained through the winter, the Romans now for the first time became acquainted with war on a greater scale, and instead of returning home after a few days' service, a considerable portion at least of the soldiers were to remain before Veii during the whole year. This was as strange and unwelcome to the Romans as it would have been to the Peloponnesians, but the national feeling was interested in the war, and the lines, after having been once taken by a sally of the besieged, were recovered and maintained by an army of volunteers.

A.U.C. 353. A.C. 399. Attacks made on the besieging army.

Still there was no complete circumvallation: Veii was open and accessible to relief; and the people of the two neighbouring cities of Capena and Falerii,

being at length aroused to a sense of their own danger if Veii fell, exerted all their power to deliver it. They attacked the Roman lines[45], stormed one of the two camps which formed the strongholds of the besieging army, and for the remainder of the year the communications of Veii with the surrounding country were carried on in freedom.

The other Etruscan states refuse their aid to the Veientians.

For five years after this, the siege, if so it may be called, made but little progress. The Romans retained their camps before Veii, as the Veientians had once held the Janiculum: they plundered the Veientian territory, and by their advanced position protected their own. The Capenatians and Faliscans could not again succeed in carrying the Roman camps, and the Tarquinensians, who took part in the contest in the year 358[46], and ventured to invade the Roman territory, were repelled with loss. But this interference of the people of Tarquinii, one of the greatest and most influential of the Etruscan cities, and not the immediate neighbour of Veii, was probably a symptom of the dispositions of the whole Etruscan confederacy. A great council of the whole nation met at the temple of Voltumna[47], the Panionium of Etruria; the question of aiding Veii with

[45] Livy, V. 8.

[46] Livy, V. 16.

[47] Livy, V. 17. The situation of this temple is unknown, as well as the attributes of the goddess to whom it was dedicated. The assemblies held at the temple were composed only of the ruling caste, the Principes or Lucumones of Etruria: but they were connected with a religious festival, with games of various sorts, and especially dramatic entertainments; so that people of all ranks came together on these solemnities, and the concourse attracted traders from foreign countries, as to a favourable opportunity of carrying on their traffic.

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the united force of the twelve cities was debated: but at this critical moment the attention of the northern states of the league was drawn off to another and a more imminent danger. The Gauls had crossed the Alps, and were overrunning the country of the twelve cities of northern Etruria, between the Alps and the Apennines. With such an enemy so near them, the northern states of Etruria proper, Volterræ, Fæsulæ, Cortona, and Clusium, were not disposed to march their forces away to a contest on the banks of the Tiber, and to leave their own homes open to the inroads of the Gauls. Accordingly the southern cities were left to their fate; and only Capena and Falerii took any part in the final struggle between Veii and Rome.

A.U.C. 359. A.C. 393. The Romans defeated before Veii. Camillus appointed dictator.

But the events of the last year of this struggle plainly showed what Rome would have had to fear from a coalition of all the twelve cities of Etruria. Two of the Roman military tribunes[48] were defeated by the Faliscans and Capenatians; one of them was killed in the battle; and the panic spread to the lines before Veii and even to Rome itself, where the rumour prevailed, that the whole force of Etruria was on its march, that the lines before Veii were actually assailed by the enemy, and that his victorious bands might be expected every moment to advance upon Rome. So great was the alarm that the matrons crowded to the temples to avert by prayers and sacrifices their country's peril; and the

[48] Livy, V. 18.

senate resolved to appoint a dictator [49]. The dictator thus chosen was the famous M. Furius Camillus.

The history of the fall of Veii has been supplanted by the poetical story.

During thirty years from this period Camillus was undoubtedly the most eminent man in Rome, and the favourite leader of the aristocracy, who twice made him their champion in the hour of their greatest need, once to put down M. Manlius, and again to prevent if possible the passing of the Licinian laws. Nor was the distinction of his family confined to him alone; one of his sons was the first prætor, and another was twice dictator, and twice consul, and gained a memorable victory over the Gauls. But in proportion to this high eminence of the Furian family, was the exaggeration of which they were the subject. The stories told of them were so popular, that they were not merely engrafted upon the brief notices contained in the genuine records of the time, but took the place of these altogether; so that it is through the Greek writers only that we can learn the real issue of the Gaulish invasion, and the history of the taking of Veii has not been preserved at all. That the beautiful and romantic story of the fall of Veii belongs entirely to the traditions and funeral orations of the

[49] So strangely does the poetical story at this point supplant the real history, that Livy does not so much as mention the resolution of the senate to appoint a dictator, but after describing the alarm at Rome, and the prayers of the matrons, he passes abruptly to the legend, and merely says, "fatalis dux ad excidium illius urbis servandæque patriæ M. Furius Camillus dictator dictus magistrum equitum P. Cornelium Scipionem dixit." V. 19. It appears however that the master of the horse, according to the Fasti Capitolini, was not P. Cornelius Scipio, but P. Cornelius Maluginensis. See the "Frammenti nuovi," published by Borghesi.

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Furian family, is plain from this, that the events even of the very last year of the war are related historically down to the very time of the appointment of Camillus to the dictatorship; but then the history suddenly vanishes, and a mere romance succeeds in its place, wherever the actions of Camillus are the subject, interspersed here and there with fragments of authentic history, where the story relates to the actions of other persons. Thus we do not really know how Veii fell, or by what means a contest, which in the beginning of the year 359 wore so unpromising an aspect, was before the end of that same year brought to a triumphant conclusion. It is mentioned[50] that the Latins and Hernicans, who seem hitherto to have taken no part in the war, joined the Romans with their whole force as soon as Camillus was made dictator. Probably the defeat sustained in the early part of the year, and the fear lest all Etruria should combine to relieve Veii, if any accident should turn the stream of the Gaulish invasion upon other countries, convinced the Romans that they must make the most of the present moment, whilst the Etruscans still stood aloof. An overpowering army of the Romans and their allies was brought against Veii; the siege of Platæa shows what great works for the reduction of a town could be completed within a short time by the united labour of a multitude of hands: a mound might be carried to the top of the loftiest walls; or their

[50] Livy, V. 19.

foundations might be undermined, and a breach opened in an instant; or in the wide extent of Veii some ill-guarded spot might be found, by which the enemy might effect an entrance without opposition. Be this as it may, the manner of the real capture of the place is irrecoverably lost; but it is certain that in the year 359, after a war of nine years, this old antagonist of Rome, the large, the wealthy, and powerful city of Veii, was taken by the Romans, and the political existence of its people destroyed for ever.

Difference between the poetical legends and the wilful falsehoods of the family memoirs.

But before we finally quit the poetical legends of the early Roman history, the last of them and not the least beautiful, that which relates to the fall of Veii, must find its place in this narrative. In the life of Camillus, there meet two distinct kinds of fiction, equally remote from historical truth, but in all other respects most opposite to one another; the one imaginative but honest, playing it is true with the facts of history, and converting them into a wholly different form, but addressing itself also to a different part of the mind; not professing to impart exact knowledge, but to delight, to quicken, and to raise the perception of what is beautiful and noble; the other tame and fraudulent, deliberately corrupting truth in order to minister to national or individual vanity, pretending to describe actual events, but substituting in the place of reality the representations of interested or servile falsehood. To the former of these classes belongs the legend of the fall of Veii; to the latter the interpolation of the

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pretended victory of Camillus over the Gauls. The stories of the former kind, as innocent as they are delightful, I have thought it an irreverence to neglect: the fabrications of the latter sort, which are the peculiar disgrace of Roman history, it is best to pass over in total silence, that they may if possible be consigned to perpetual oblivion.

POETICAL STORY OF THE FALL OF VEII.

The poetical story of the fate of Veii is as follows:

The lake of Alba overflows its banks.

For seven years and more the Romans had been besieging Veii. Now the summer was far advanced[51], and all the springs and rivers were very low; when on a sudden the waters of the lake of Alba began to rise; and they rose above its banks, and covered the fields and the houses by the water side; and still they rose higher and higher, till they reached the top of the hills which surrounded the lake as with a wall, and they overflowed where the hills were lowest; and behold the water of the lake poured down in a mighty torrent into the plain beyond. When the Romans found that the sacrifices[52] which they offered to the gods and powers of the place were of no avail, and their prophets knew not what counsel to give them, and the lake still continued to overflow the hills and to pour down into the plain below, then they sent over the sea to Delphi, to ask counsel of the oracle of Apollo, which was famous in every land.

A prophet of Veii declares the meaning

So the messengers were sent to Delphi. And meanwhile the report of the overflowing of the lake

[51] Dionysius, XII. 11. Fragm. Mai.

[52] Dionysius, XII. 12.

of the overflow.

was much talked of; so that the people of Veii heard of it. Now there was an old Veientian [53], who was skilled in the secrets of the Fates, and it chanced that he was talking from the walls with a Roman centurion whom he had known before in the days of peace; and the Roman spoke of the ruin that was coming upon Veii, and was sorry for the old man his friend; but the old man laughed and said: "Ah! ye think to take Veii: but ye shall not take it till the waters of the lake of Alba are all spent, and flow out into the sea no more." When the Roman heard this he was much moved by it, for he knew that the old man was a prophet; and the next day he came again to talk with the old man, and he enticed him to come out of the city, and to go aside with him to a lonely place, saying that he had a certain matter of his own concerning which he desired to know the secrets of fate: and while they were talking together, he seized the old man, and carried him off to the Roman camp, and brought him before the generals; and the generals sent him to Rome to the senate. Then the old man declared all that was in the Fates concerning the overflow of the lake of Alba; and he told the senate what they were to do with the water, that it might cease to flow into the sea: "If the lake overflow, and its waters run out into the sea, woe unto Rome; but if it be drawn off, and the waters reach the sea no longer, then it is woe unto Veii." But the senate would not listen to the old

[53] Dionysius, XII. 13. Livy, V. 15. Plutarch, Camillus, 4.

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man's words, till the messengers should come back from Delphi.

The Romans dig through the mountains, and draw off the water of the lake.

After a time the messengers came back, and the answer of the god agreed in all things with the words of the old man of Veii. For it said [54], "See that the waters be not confined within the basin of the lake; see that they take not their own course and run into the sea. Thou shalt let the water out of the lake, and thou shalt turn it to the watering of thy fields, and thou shalt make courses for it till it be spent and come to nothing.". Then the Romans believed the oracle, and they sent workmen, and began to bore through the side of the hills to make a passage for the water. And the water flowed out through this passage under ground; and it ceased to flow over the hills; and when it came out from the passage into the plain below, it was received into many courses which had been dug for it, and it watered the fields, and became obedient to the Romans, and was all spent in doing them service, and flowed to the sea no more. And the Romans knew that it was the will of the gods that they should conquer Veii.

The Romans refuse peace to the Veientians.

So Marcus Furius Camillus was made dictator; and the Veientians sent to Rome to beg for peace [55], but the Romans would not grant it. Now the Etruscans are skilled in the secrets of fate above all other nations; and one of the chief men of Veii, who had gone with the embassy, turned round as he was

[54] Livy, V. 16.

[55] Dionysius, XII. 17.

going out of the senate-house, and looked upon the senators and said: "A goodly answer truly have ye given us, and a generous; for though we humble ourselves before you, ye will show us no mercy, but threaten to destroy us utterly. Ye heed neither the wrath of the gods, nor the vengeance of men. Yet the gods shall requite you for your pride, and as ye destroy our country, so ye shall shortly after lose your own."

A mine dug into the heart of the citadel of Veii.

Meanwhile Marcus Furius[56] pressed the city on every side: and he was at the head of a mighty army; for the Latins and the Hernicans had brought their aids; and he commanded his men to dig a way under ground which should pass beneath the walls, and come out again to the light within the precinct of the temple of Juno, in the citadel of Veii. The men worked on by night and by day; for they were divided into six bands; and each band worked in turn and rested in turn; and the secret passage was carried up into the precinct of the temple of Juno; but it had not broken through the surface of the ground; so that the Veientians knew not of it.

Veii is taken.

Then every man[57] who desired to have a share of the spoil hastened from Rome to the camp at Veii. And Marcus the dictator made a vow, and promised to give the tenth part of all the spoil to Apollo the god of Delphi: and he prayed also to Juno the goddess of the Veientians that she would be pleased to depart from Veii, and to follow the Romans home to

[56] Livy, V. 19.

[57] Livy, V. 20, 21.

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their city, which from henceforth should be hers, and where a temple worthy of her majesty should be given her for her abode. After this, he ordered the Romans to assault the city on every side: and the Veientians ran to the wall to meet them; and the shout of the battle arose, and the fight was carried on fiercely [58]. But the king of the Veientians was in the temple of Juno in the citadel, offering a sacrifice for the deliverance of the city; and the prophet who stood by, when he saw the sacrifice, cried aloud, "This is an accepted offering; for there is victory for him who offers its entrails upon the altar!" Now the Romans were in the secret passage, and heard the words of the prophet. So they burst forth into the temple, and they snatched away the entrails from those who were sacrificing, and Marcus the Roman dictator, and not the king of the Veientians, offered them upon the altar. Then the Romans rushed down from the citadel, and ran to the gates of the city, and let in their comrades; and all the army broke into the town, and they sacked and took Veii.

Camillus vaunts himself of his victory.

While they were sacking the city, Marcus looked down upon the havoc from the top of the citadel, and when he saw the greatness of the city and the richness of the spoil, his heart swelled within him [59], and he said, "What man's fortune was ever so great as mine?" But then in a moment there came the thought, how little a thing and how short a time can bring the greatest fortune down to the lowest,

[58] Livy, V. 21. Plutarch, Camillus, 5.

[59] Dionysius, XII. 19.

and his pride was turned into fear, and he prayed if it must be that in return for such great glory and victory, some evil should befal himself or his country, yet that it might be light and recoverable. Whilst he prayed he veiled his head [60], as is the custom of the Romans in prayer, and turned round towards the right; but as he turned, his foot slipped, and he fell upon his back upon the ground. Yet he was comforted rather than dismayed by his fall, for he said, "The gods have heard my prayer, and for the great fortune of my victory over Veii they have sent me only this little evil."

The statue of Juno is carried from Veii to Rome.

Then he ordered some young men [61], chosen out from all his army, to approach to the temple of Juno; and they had washed themselves in pure water, and were clothed in white, so that there was on them no sign or stain of blood and of slaughter; and they bowed low as they came to the temple, but were afraid to touch the image of the goddess, for no hand might touch it except the priest's who was born of the house that had the priesthood. So they asked the goddess whether it was her pleasure to go with them to Rome. And then there happened a wonder; for the image spake, and answered, "I will go;" and when they touched it, it moved from its place of its own accord, and it was carried to Rome. Thus Juno left her abode in the citadel of Veii, and she dwelt in her temple at Rome, on the hill Aventinus, which the Romans built and dedicated to her honour.

[60] Dionysius, XII. 22, 23. Plutarch, Camillus, 5. [61] Livy, V. 22.

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Camillus triumphs proudly.

After this[62] there were rejoicings at Rome greater than had ever been known before; and there were thanksgivings for four days, and all the temples were filled with those who came to offer their thank-offerings. And Marcus entered the city in triumph, and he rode up to the Capitol in a chariot drawn by four white horses, like the horses of Jupiter and like the horses of the Sun. But wise men thought that it was done too proudly; and they said, "Marcus makes himself equal to the blessed gods; see if vengeance come not on him, and he be not made lower than other men."

Increase of the Roman territory by the conquest of Veii.

To return from this famous legend to our imperfect history of the times, the Romans by the fall of Veii acquired a considerable addition to their territory. The inhabitants of several districts subject to the Veientians had revolted to the Romans during the war, or rather, to escape the ravage of the Roman armies, had surrendered themselves and their lands at discretion. The rest of the country, if any remained so long independent, must have fallen with the capital; and thus the Romans now extended their dominion along the right bank of the Tiber, from its mouth to a distance of about thirteen miles above Rome[63], whilst it stretched northwards from the Tiber as far as the Lago di Bracciano, Lacus Sabatinus[64], and the edge of the actual Cam-

[62] Livy, V. 23.

[63] Pliny, Hist. Nat. III. 9.

[64] This may be concluded, not only from the short distance between Veii and the Lacus Sabatinus, and from there being no independent city, so far as we know, between them; but it seems to follow, also, from the name of one of the new tribes which were formed

pagna at Monterosi; passing thence, in a line including the remarkable eminence of Monte Musino [65], to the Tiber opposite the Ager Crustumerinus. But in the years immediately following the conquest of Veii, the Romans penetrated still deeper into Etruria. Capenia, which had stood by the Veientians to the last, fell in the very next year after its ally [66]; and its conquest put the Romans in possession of an additional portion of the right bank of the Tiber, above the territory just won from the Veientians. In the year after we hear of the submission of Falerii, the sole remaining member of the alliance, situated either on or near the site of the modern town of Civita Castellana [67]. Camillus was the military tribune who reduced Falerii, and accordingly we have another tale in the place of history. A schoolmaster [68], who had the care of the sons of the principal citizens, took an opportunity when walking with his boys without the walls, to lead them to the Roman camp, and throw them into the power of the enemy. But Camillus, indignant at this treason, bade the boys to drive their master back into the town again, flogging him all the way thither, for the Ro-

immediately after the Gaulish invasion, the tribus Sabatina. The lands of this tribe must have been situated near the lake; and from whom could the Romans have conquered them at that period except from the Veientians?

[65] See the description and sketch of Monte Musino, in Sir W. Gell's work on the neighbourhood of Rome, under the title "Ara Mutiæ."

[66] Livy, V. 24.

[67] Westphal and Nibby place the Etruscan Falerii at Civita Castellana, and the later Roman colony at S. Maria di Falari, about half way between Civita Castellana and Ronciglione. Sir W. Gell places the Etruscan city at S. Maria di Falari.

[68] Livy, V. 27.

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mans, he said, made no war with children. Upon this the Faliscans, won by his magnanimity, surrendered to him at discretion, themselves, their city, and their country. Whether the city however was really surrendered at this time may seem very doubtful; that it sued for and obtained peace is likely: it lost also a portion of its territory, for we read of a number of Faliscans as forming a part of the four new tribes[69] of Roman citizens, which were created immediately after the Gaulish invasion.

Submission of Nepete and Sutrium.

In the same or in the following year may be placed also the submission of Nepete and Sutrium[70], which appear immediately after the retreat of the Gauls as the dependent allies of Rome. They did not surrender themselves, "dediderunt se," but obtained a treaty of alliance, such as we find so often between the weaker and the stronger states in Greece. Nepete still exists with almost the same name, and is a well-known town on the Perugia road to Rome, standing in a beautiful country between the edge of the Campagna and the valley of the Tiber, a little to the north of Monterosi. Sutrium also exists in the modern town of Sutri, a little to the west of the present road from Monterosi to Ronciglione.

The Romans reach the ridge

The Romans had now reached what may be called

[69] Livy, VI. 4.

[70] Diodorus places in the same year the peace with the Faliscans, and something in connexion with Sutrium. The present text is corrupt: Σούτριον μὲν ὥρμησαν. Niebuhr proposes to supply ἐπὶ, but the corruption lies, I think, in the verb, and in the preceding conjunction, καί. See Diodorus, XIV. 98.

of the Ciminian mountains.

the extreme natural boundary of the basin of the Tiber on the side of Etruria. Sutrium and Nepete looked up immediately to the great and lofty ridge of the Ciminian mountains, that ridge which the traveller ascends as soon as he leaves Viterbo, while from its summit he catches his first view of the neighbourhood of Rome, of the line of the Apennines skirting the Campagna to the north-east, and of the Alban hills in the furthest distance, and, although the particular objects cannot be distinguished, of that ever-memorable plain in which stands Rome. This ridge, in short, separates the streams which feed the Tiber from the valley of Viterbo and the basin of the lake of Bolsena, or, to speak the language of the fourth century of Rome, it separated the territories of Veii and Falerii, the advanced posts, as it were, of the Etruscan confederacy, from those of Vulsinii and Tarquinii, two of the greatest and most distinguished states of the whole nation.

They cross them, and are engaged in war with the people of Vulsinii and the Salpinatians.

Eighty years after this period, the passage of the Ciminian mountains was regarded as a memorable event, as little less than the entrance into an unknown world[71]. But now, emboldened by their victories over the nearer Etruscan cities, and aware, no doubt, that the dread of the Gauls on the northern frontier would render a general gathering of the whole nation impossible, the Romans seemed anxious to cross their natural boundary, and to penetrate into the heart of Etruria. A war broke out, we

[71] Livy. IX. 36.

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know not on what grounds, between Rome and Vulsinii[72]; but in the first year the Romans were crippled, according to their own account, by a famine and pestilence, and the Vulsinians, aided by the Salpinatians, a neighbouring people wholly unknown to us, invaded the Roman territory without opposition. In the next year however the Romans were able to act on the offensive; a great victory was gained over the Vulsinians, the Salpinatians did not risk a battle, and after the lands of either people had been laid waste by the conquerors, the Vulsinians sued for and obtained a truce for twenty years[73], on the condition of giving satisfaction to the Romans to the extent of their demands, and furnishing a year's pay for the army employed against them. Of the Salpinatians we hear no further mention, either now or at any future period.

A.U.C. 364. A.C. 388.

Conclusion.

Thus Rome was gaining ground rapidly in Etruria, while in Latium she could not yet dislodge her old enemies the Æquians even from the Alban hills. With so stubborn, so active, and so powerful an adversary on the south, any attempt to make extensive conquests on the north must ever have been full of danger; and an alliance between the Etruscan confederacy and the Opican nations, at this period of the Roman history, would probably have effected what the league between the Etruscan and Sabellian nations ninety years afterwards attempted in vain. But Providence, which designed that Rome

[72] Livy, V. 31.

[73] Livy, V. 32.

should win the empire of the world, altered the course of events by turning the torrent of a Gaulish invasion upon Latium. This it was which crushed the Æquians for ever; and which obliged the Romans by its consequences to confine their attention again for a long period to the left bank of the Tiber. There, in many years of patient and arduous struggles, they laid deeper and firmer the foundations of their after greatness, by effectually subduing the remnant of their Opican enemies, and obtaining a more complete command than ever over the resources of the cities of the Latins. Thus the Gaulish invasion and conquest of Rome was but the instrument of her greater and surer advance to the dominion of Italy.

CHAPTER XIX.

INTERNAL HISTORY FROM 350 TO 364—PLEBEIAN MILITARY TRIBUNES—BANISHMENT OF CAMILLUS.

"SICINIUS.—He's a disease that must be cut away.
MENENIUS.—Oh, he's a limb that has but a disease:
Mortal to cut it off; to cure it easy."
SHAKSPEARE, Coriolanus.

Φοβηθέντες γὰρ αὐτοῦ οἱ πολλοὶ τὸ μέγεθος τῆς τε κατὰ τὸ ἑαυτοῦ σῶμα παρανομίας ἐς τὴν δίαιταν ὡς τυραννίδος ἐπιθυμοῦντι πολέμιοι καθέστασαν.—THUCYDIDES, VI. 15.

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Advance of the plebeians.

IN the fourteen years which elapsed between the beginning of the last war with Veii and the invasion of the Gauls, the plebeian leaders reaped the fruit of the seed which their predecessors had sown so perseveringly. Now for the first time we find plebeians not only admitted into the college of military tribunes, but forming in it the majority. Yet even this was as it were only the first fruits of the harvest; many years elapsed before the full crop was brought to the sickle.

The patricians interfere with the election of tribunes.

In the year 352, the third year of the war with Veii, the Romans intending, as has been mentioned, to blockade the city, were obliged to keep a part of their

forces on duty during the winter. This was doubly unpopular, both as it obliged so many citizens to be absent from their homes for several months together, a term of service ill endured by an army of householders and agriculturists; and also as it increased the expense of the war; for the soldiers received pay only for those months in which they were actually under arms. Thus the tribunes began to complain of the burden of the siege, and the indecisive character of the war hitherto was likely to make it unpopular; but when news came that the Roman lines had been destroyed by a sally of the besieged [1], national pride prevailed, and all ranks united in supporting the contest zealously. But the next year only brought fresh disasters [2]: Anxur was surprised by the Volscians, and the armies before Veii were completely defeated, and the blockade entirely raised. Then feelings of irritation revived; and these were so far shared by the senate, that they obliged all the military tribunes of the year to go out of office on the first of October [3], two months and a half before the expiration of their year. The commons, however, were not satisfied; for the first act of the new military tribunes was to call out to military service, not only the citizens within the usual age [4], but the older men also, who were to form a force for the defence of the city. Such a call, just as winter was coming on, was most unwelcome; besides, every additional soldier rendered a heavier taxation necessary; and

A.U.C. 353. A.C. 399.

[1] Livy, V. 7.
[2] Livy, V. 8.
[3] Livy, V. 9.
[4] Livy, V. 10.

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as the patricians were continually evading the payment of the vectigal for their occupation of the public land, so the tributum or property-tax necessarily increased in amount. In this state of things, the patricians were so afraid of the possible effects of the tribunician power, that they ventured on the unusual step of tampering with the elections for new tribunes, which took place in December. The tribune who presided at the comitia must have been gained over to betray his trust; he refused votes, we must suppose, when given in favour of the most popular, and therefore the most obnoxious candidates, whilst others could not gain from the tribes themselves the requisite majority of suffrages. The consequence was that, in defiance of the Trebonian law, only eight tribunes were returned[5]; and these, by a second violation of the law, filled up the vacant places by choosing two colleagues for themselves.

Plebeians for the first time elected as tribunes of the soldiers.

But this over-straining broke the bow. One honest tribune of the college, Cn. Trebonius, was enough, where the cause was so manifestly just, to awaken the indignation of the commons. Three of the other tribunes[6], men, as it seems, of those base natures which always follow the stream, now strove to avert their own unpopularity by impeaching the two unfortunate military tribunes who had been defeated before Veii. These were condemned and fined, but their punishment did not abate the storm. The tribunes then proposed an agrarian law; and

[5] Livy, V. 10.

[6] Livy, V. 11.

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when this was resisted, they positively refused to allow the tribute to be collected[7] for the benefit of the army at Veii. This stoppage of the supplies brought the soldiers almost to a state of mutiny. We have seen[8] that a custom, so old as to be held equivalent to law, authorized the soldier to practise a summary process of distress upon the paymaster, if his pay was not regularly issued. Thus the law itself seemed to sanction insubordination, if the soldier's right was denied him: so that if the tribunes persisted in forbidding the tribute to be levied, the siege of Veii was inevitably at an end. Then, at last, after an interval of more than forty years, the constitution of the year 312 was fully carried into effect; the elections of military tribunes were left really free, and four out of six[9] of the members of

A.U.C. 355. A.C. 397.

[7] Cum tributum conferri per tribunos non posset. Livy, V. 12.

[8] Pignoris capio. See Gaius, IV. § 27.

[9] The names, as given by Livy, are, P. Licinius Calvus, P. Manlius (Mænius being a mere correction by Sigonius), L. Titinius, P. Mælius, L. Furius Medullinus, and L. Publilius Volscus. He calls them all patricians, except Licinius; yet it is certain that all, except L. Furius and P. Manlius, were plebeians. The names are all plebeian; which, although not a decisive argument with respect to the very early times of the Commonwealth, yet becomes a circumstance of great weight in the middle of the fourth century of Rome. Again, the re-appointment of many of the tribunes of this year, four years afterwards, as colleagues of P. Licinius, is a confirmation of their being plebeians. And if we examine the several names, we find a M. Titinius elected tribune of the commons in the year 306, and a Sex. Titinius tribune in the year 316. And the fragments of the Fasti Capitolini describe P. Mælius as the son of Sp. Mælius, and give him the surname of Capitolinus; so that there is every reason to regard him as the son of that Mælius who was murdered by Servilius Ahala in 316, and whose house, as we know, stood sufficiently within the precincts of the Capitoline hill, to entitle him to the name Capitolinus. Lastly, Publilius Volscus is described in the Fasti as "Voleronis Nepos," and as bearing the surname of Philo; so that there can be no doubt that he was a descendant of

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A.U.C. 356. A.C. 396.

the college were chosen from among the plebeians. A similar result attended the elections of the year following; four out of six of the tribunes of the soldiers were again chosen from the commons.

Endeavours of the patricians to recover the exclusive possession of the military tribuneship.

Such a choice, continued for two years successively, proves how deep was the indignation excited by the attempt of the patricians to tamper with the tribuneship of the commons. But the influence of an aristocracy acts through the relations of private life, which are in their very nature permanent, whilst it is opposed only by a strong feeling of anger, or an urgent sense of public interest, both of which exist only in seasons of excitement, and wear out by the mere lapse of time. It happened also that in the last two years Rome had been visited by a winter of such unusual severity, as to appear preternatural, and afterwards, by a pestilence; and such calamities have a well-known tendency to engross men's minds with their own domestic affairs, and to make them regard political questions with indifference. Nor did the patricians fail to represent these visitations as proofs of the displeasure of the gods, who were offended that plebeians[10] had been elected even in the comitia of centuries, which professed to be regulated according to the divine will as observed and declared by the augurs. And still further to secure their object, when the election of military tribunes came on, the most eminent individuals of the noblest

the famous tribune who carried the Publilian law in the year 283, and of the family of the no less famous plebeian dictator, who passed the Publilian laws of the year 416.

[10] Livy, V. 14.

families of the patricians appeared as candidates. Accordingly, every place in the college for the year 357 [11] was once more filled by a patrician; and the election of the following year presented the same result. CHAP. XIX.

The tribunes of the year 358 appear however to have been moderate men; and there was a danger, lest they should hold the comitia fairly, and lest some plebeians might thus again be elected as their successors. Accordingly the senate obliged them all on religious pretences [12] to resign before their year was expired; and an interrex was named to hold the comitia. But the discontent of the commons had been again growing; even in this very year the tribunes had opposed the enlistment of soldiers to meet a new enemy, the people of Tarquinii; and now, when the object of the patricians in appointing an interrex could not be mistaken, they interfered, and would not allow the comitia to be held. The dispute went on for some time, and lasted till a third interrex had been appointed, the famous M. Camillus. But even he, though one of the bitterest enemies of the commons, was on this occasion obliged to yield; either Veii must be relinquished, or the commons must have justice; and accordingly it was agreed that the elections should be held freely, so as to allow a majority in the college to the plebeians [13], and The commons resist them with success.

[11] Livy, V. 14. 16.
[12] Livy, V. 17.
[13] Livy, V. 18. Fasti Capitolini. Frammenti nuovi, Borghesi. According to Livy, the tribunes were P. Licinius, the son of the tribune of 355, L. Titinius, P. Mœnius, P. Mœlius, Cn. Genucius, and L. Atilius. But the fragments of the Fasti show that for P. Mœnius we

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four out of six of the military tribunes were again chosen from the plebeians.

But after the fall of Veii the patricians again prevail.

The defeat of two of these tribunes by the Faliscans and Capenatians led to the appointment of M. Camillus as dictator, and in this year Veii fell. Thus the patricians were no longer obliged to conciliate the commons; the opposition of the tribunes to the levying of the tribute was henceforward of no importance; and we hear no more of plebeian military tribunes. The entire college was composed of patricians in the years 360, 361, and 364; and in the years 362 and 363 the senate decreed that consuls should be created instead of military tribunes; so that from the fall of Veii to the Gaulish invasion the patricians appear to have recovered their old exclusive possession of the highest magistracies.

Disputes about the tithe of the plunder of Veii.

Yet this period was by no means one of hopeless submission on the part of the commons; nor were there wanting subjects of dispute which the tribunes followed up with vigour. Camillus had vowed to offer to Apollo the tithe of the spoil won at Veii; but the town had been plundered before Apollo's portion had been set apart for him; and the soldiers having soon disposed of all that they had gained, were unwilling to refund it afterwards[14]. The pon-

should here also read Q. Manlius; and the cognomen of Cn. Genucius, as appears from the Fasti for 356, was Augurinus; so that he belonged to the patrician Genucii, one of whom was elected consul, and afterwards decemvir, with Appius Claudius, in the year 303. Thus the plebeians were four to two in the college of 359, and not five to one; and this agrees with the stipulation made previously to the election "ut major pars tribunorum militum ex plebe crearetur." Livy, V. 17.

[14] Livy, V. 23. The practice of devoting a tithe of the spoil to some god, was adopted sometimes

tifices however declared that the vow must be performed; and an appeal was made to the conscience of every individual, calling upon him to value his share of the plunder, and bring the price of the tithe of it into the treasury for the purchase of an offering of gold to Apollo. This call was slowly obeyed, and Camillus complained loudly of the profane neglect of the people; he urged further, that his vow had included the tithe, not only of the moveable property of Veii, but also of the city and territory[15]. The pontifices decided that this too must be paid; and the money was accordingly advanced out of the treasury for this purpose. The money of the Romans at this period was all of copper; gold was dear, and could not readily be procured. Accordingly the Roman matrons are said to have brought to the treasury all their ornaments of gold[16]; and the senate showed its sense of their zeal by giving them permission to be drawn in a carriage about Rome on all occasions, and to use a peculiar and more luxurious sort of carriage at the games and solemn sacrifices. Yet, after all, the gold was not accepted as a gift; the senate ordered every matron's contribution to be valued, and the full price paid to her.

The commons desire to remove to Veii.

This transaction irritated the minds of men against Camillus, as if his vow had been a mere pretence, in

in order to prevent an indiscriminate plunder: the spoil was first to be brought to the general, that the tithe might be duly separated from it, and the remainder was then to be equitably divided. See the advice given by Crœsus to Cyrus after the taking of Sardis. Herodotus, I. 89.

[15] Livy, V. 25.

[16] Livy, V. 25.

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order to defraud the people of the spoil which they had so hardly won. But the conquest of Veii gave occasion to another dispute of a more serious character. T. Sicinius[17], one of the tribunes, proposed a law for removing a portion of the patricians and commons to Veii, and for allotting to them the whole or a considerable part of the Veientian territory; so that the Roman Commonwealth should consist of two cities, Rome and Veii. The peculiarity of this proposal, according to Roman notions, consisted in making Veii a co-ordinate state with Rome instead of a colony. The unity of the Commonwealth was in no way injured by the foundation of new colonies, because these became its subjects and not its equals; whereas if a portion of the Roman people lived in Veii, a city equal to Rome in extent and magnificence, the Commonwealth must either be reduced to a mere confederacy, like that of the cities of the Latins, or else it would be a matter of dispute at which of the two cities the assemblies of the united people should be held, and which of them should be the home of the national gods. Accordingly, the project was strenuously resisted by the patricians, who saw how fatal it would prove to the greatness of Rome, and they persuaded two of the tribunes to oppose it[18]. Thus the measure was resisted for that year, and it met with the same fate the year following, 361; both parties having obtained the re-election of the same tribunes, so that T. Sicinius and his

[17] Livy, V. 24.

[18] Livy, V. 25. 29.

friends again brought forward the law, and A. Virginius and Q. Pomponius, the two tribunes who sided with the patricians, were again ready to meet it with their negative.

The measure rejected through the influence of the patricians.

But in the year 362, Virginius and Pomponius were no longer re-elected tribunes, but were, on the contrary, impeached for their betrayal of their constituents' interests during the time of their magistracy. They were tried and condemned to pay a heavy fine [19], and the tribunes again brought forward their law, with a confidence that it would meet with no opposition. But the patricians now resolved to exert their influence in a fair and constitutional manner, and they exerted it with success. Leaving the decision of the question to the votes of the tribes [20], and being prepared themselves to attend at the comitia and give their votes like the rest of their fellow-citizens, they endeavoured by their individual authority to win the suffrages of their tribesmen, entreating and reasoning by turns, and imploring them not to pass a law which would put the conquered city of Veii on a level with its conqueror. Their arguments and solicitations were listened to with respect, and when the question was brought forward, it was negatived by the votes of eleven tribes out of twenty-one.

A grant of land in the territory of Veii made to the commons.

A victory thus fairly and honourably obtained was likely to dispose the patricians to placable and kindly feelings. Immediately after the rejection of

[19] Livy, V. 29.

[20] Livy, V. 30.

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the law, the senate decreed a division of the Veientian territory[21] amongst the commons on a scale of unusual liberality. Each lot consisted of seven jugera; and not only fathers of families were considered in this grant, but they received an additional allotment of seven jugera for each free person in their household. Thus the dispute was for the time peaceably and advantageously settled.

Alteration of the time at which the tribunes of the soldiers entered on their office.

The year 363 is remarkable, as introducing another change in the time at which the curule magistrates entered on their office. The consuls, one of whom was M. Manlius, afterwards so famous, were obliged by the senate[22] to resign three months before the end of their year, so that their successors, the military tribunes of the year 364, came into office on the first of July. But why they were required to resign is doubtful. The ostensible reason was the state of their health; a dry and exceedingly hot season had ruined the crops, and given birth to a violent epidemic disorder, which attacked both of the consuls, and prevented them from taking the field against the Vulsiniensians. On the other hand, Niebuhr thinks that the real cause of their deposition was their having neglected to aid the people of Cære, the allies of Rome, when their harbour of Pyrgi was taken and sacked by Dionysius of Syracuse. Perhaps, too, personal feelings were concerned, for immediately on the resignation of the consuls, M. Camillus was appointed interrex, who

[21] Livy, V. 30.

[22] Livy, V. 31.

was afterwards so strongly opposed to M. Manlius, and whose enmity may have already begun before this period. It should be observed that the six military tribunes elected for the following year were all patricians.

Charge of corruption against Camillus. He retires from Rome.

If Camillus had any undue share in affecting the resignation of the late consuls, he did not long enjoy his triumph. L. Appuleius[23], one of the tribunes, impeached him for having appropriated secretly to his own use a portion of the plunder of Veii. It was said[24] that some doors of brass, the bullion of a country which at this time used only brass money, were found in his house; and that his numerous clients and friends told him plainly[25], when he applied to them for their aid, that they were ready to pay his fine for him, but that they could not acquit him. We are startled at finding the great Camillus brought to trial on a charge of personal corruption; but that strict integrity which Polybius ascribes to the Romans seems not always to have reached as high as the leaders of the aristocracy, for the great Scipio Africanus was impeached on a similar charge, and his brother, the conqueror of Antiochus, was not only accused, but condemned. Nor were the eminent men of the Spartan aristocracy free from the same reproach; the suspicion attached itself to Leotychides, the immediate predecessor of Archidamus; to Pleistoanax the son of Pausanias; and just before

[23] Livy, V. 32.
[24] Plutarch, Camillus, 12.
[25] Livy, V. 32.

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the banishment of Camillus, the famous Gylippus, the conqueror of the Athenians at Syracuse, had been driven from his country for a similar act of baseness. Other accounts[26], as was natural, ascribed the condemnation of Camillus solely to the envy and hatred of the commons; while, according to others[27], his punishment was a sort of ostracism, because the arrogance of his triumph, after the conquest of Veii, seemed inconsistent with the conduct of a citizen in a free commonwealth. It seems allowed by all that no party in the state attempted to save him; and it is clear also, that he incurred the forfeiture of all his civil rights in consequence of his not appearing to stand his trial, either as an outlawry, or because his withdrawal was held equivalent to a confession of guilt, and a man convicted of furtum incurred thereby perpetual ignominy, and lost all his political franchise. Perhaps his case was like that of the Spartan Pausanias; and the treasure which he secreted may have been intended to furnish means for making him tyrant of Rome. But at any rate he withdrew from Rome before his trial came on, and retired to Ardea. The annalists reported[28] that as he went out of the gates, he turned round, and prayed to the gods of his country, that if he were unjustly driven into exile, some grievous calamity might speedily befal the Romans, and force them to

[26] Dionysius, XIII. 5. Fragm. Mai.

[27] Diodorus, XIV. 117.

[28] Livy, V. 32. Plutarch, Camillus, 12. Dionysius, XIII. 6.

call him back again. They who recorded such a prayer must have believed him innocent, and therefore forgave him for it; they even thought that the gods heard it with favour, and fulfilled its petition by sending the Gauls in the very next year to be ministers of vengeance on his ungrateful country.

CHAPTER XX.

STATE OF FOREIGN NATIONS AT THE PERIOD OF THE GAULISH INVASION—ITALY, SARDINIA, CORSICA.

Τὸ τῆς ἡμετέρας πραγματείας ἴδιον . . . τοῦτό ἐστιν· ὅτι καθάπερ ἡ τύχη σχεδὸν ἅπαντα τὰ τῆς οἰκουμένης πράγματα πρὸς ἓν ἔκλινε μέρος, . . . οὕτω καὶ διὰ τῆς ἱστορίας ὑπὸ μίαν σύνοψιν ἀγαγεῖν τοῖς ἐντυγχάνουσι τὸν χειρισμὸν τῆς τύχης, ᾧ κέχρηται πρὸς τὴν τῶν ὅλων πραγμάτων συντέλειαν.—POLYBIUS, I. 4.

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Introduction to the view of the state of foreign nations.

THE furthest point hitherto reached by the soldiers of any Roman army was scarcely more than fifty miles distant from Rome. The southern limit of Roman warfare had been Anxur; its northern was Vulsinii. Nor do we read of any treaties or commercial intercourse by which Rome was connected with foreign powers, since the famous treaty with Carthage, concluded in the first year of the Commonwealth. Still the nations of the ancient world knew more of one another than we are inclined to allow for: we do not enough consider how small a portion of their records has come down to us; how much must have been done of which mere accident has

hindered us from hearing. About thirty[1] years later than the Gaulish invasion, the author of that most curious survey of the coasts of the Mediterranean, known by the name of the Periplus of Scylax, mentions Rome and Ancona alone of all the cities of Italy, with the exception of the Greek colonies; and this notice is the more remarkable as Rome is not immediately on the coast, and the survey rarely extends to any place far inland. Aristotle also was not only acquainted with the fact that Rome was taken by the Gauls, but named an individual whom he called Lucius[2], as its deliverer. Heraclides Ponticus[3] even spoke of Rome as a Greek city, which while it shows the shallowness of his knowledge concerning it, proves also, that it was sufficiently famous in Greece, to make the Greeks think it worthy of belonging to their race and name; and we see besides that a wide distinction was drawn between the

[1] For the date of the Periplus of Scylax, see Niebuhr's essay in the first volume of his "Kleine Historische Schriften," Bonn, 1828, p. 105; or, as translated by Mr. Hare, in the second number of the Philological Museum. I have said that Scylax mentions no other Italian cities but Rome and Ancona, with the exception of the Greek colonies. It is true that, according to other writers, Ancona itself was a Greek colony, but Scylax does not describe it as such; whereas, in speaking of the cities on the Lucanian and Iapygian coast, he expressly notices their Greek origin.

[2] Plutarch, Camillus, 22. It need not be said, that in the old times men were designated by their prænomen rather than by their nomen, or cognomen; and thus Aristotle would call L. Furius "Lucius," rather than "Furius," or "Camillus," just as Polybius calls Scipio "Publius," and Regulus "Marcus."

[3] Plutarch, Camillus, 22. Heraclides noticed Rome in his treatise, Περὶ ψυχῆς; and said that "a report had come from the west, telling how a host had come from the land of the Hyperboreans, without the Pillars of Hercules, and had taken a Greek city called Rome, which was situated somewhere in those parts about the great sea."

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Latins and the Etruscans, the latter of whom they always regarded as foreigners, while in the former they did but exaggerate the degree of connexion really subsisting between the two nations, whose kindred is proved by the resemblance of their languages. But the fame of the Gaulish invasion, the first great movement of barbarians breaking down upon the civilized countries of Europe from the north, which had occurred within historical memory, drew the attention of the Greeks more than ever towards Italy. And as this invasion led to a more general mixture of nation and nation, for less than twenty years afterwards we read of Gaulish cavalry in the service of Dionysius of Syracuse, and of their being sent by him to Peloponnesus to help the Lacedæmonians against Epaminondas; so I may at this period draw up the curtain which has hitherto veiled from our view all countries and people beyond the immediate neighbourhood of the Tiber, and look as widely over the face of the world as the fullest knowledge of Greeks or Carthaginians enabled them at this time to see either eastward or westward.

The Etruscans.

The fall of Veii, and the submission of Capena and Falerii, have shown us that the greatness of the Etruscans was on the wane. In the days of their highest prosperity they had spread their dominion widely over Italy. The confederacy of their twelve cities, each of which was again the head of a smaller confederacy of the neighbouring towns, occupied the whole country between the Tiber, the Macra, the Apennines, and the sea. But they were

also to be found on the north of the Apennines[4], and another Etruscan confederacy, consisting also of their favourite number of twelve cities, extended to the shores of the Adriatic, and possessed the plain of the Po, and of its tributary rivers to the north and south from the sea as high as the Trebia. Bononia, under its older name of Felsina, Melpum, Mantua, and Atria, with Cupra on the coast of the Adriatic, were Etruscan towns. Nor had their dominion been confined to the north of the Tiber; a third confederacy of twelve cities had occupied Campania[5]; and

[4] This is the positive statement of the ancient writers; as Livy, V. 33, Strabo, V. p. 216, and Verrius Flaccus, and Cæcina, quoted by the interpreters of Virgil, Æn. X. 198, in the Verona MS. Niebuhr, agreeably to his notion that the Etruscans came into Italy over the Alps, from the north, and not by sea from Asia, considers their settlements in the valley of the Po to have been older than those in Etruria. Müller believes them to have been of equal antiquity with each other; the Etruscans, or Rasena, he holds to have been an aboriginal people of Italy, settled from time immemorial both on the north and south sides of the Apennines.—(Etrusker, Einleitung, III. § 1.) Micali places the original seat of the Etruscans in the Apennines; he even ventures to fix on the precise spot, namely, the mountains which extend from the high point of La Falterona, above the valley of the Sieve, or of Mugello. (Storia degli antichi popoli Italiani, Vol. I. p. 106.) From thence they descended first into Etruria, and afterwards, having become a civilized people, they sent out their colonies into northern Italy. Without entering on the endless question of the origin of the Etruscans, or of the comparative antiquity of their several settlements, I have thought it sufficient merely to notice the limits which their nation reached at the time of its greatest power.

[5] It is well known that Niebuhr doubts the existence of this Campanian Dodecapolis; and he thinks that the whole statement of Etruscan settlements in Campania is a mere mistake, arising out of the common confusion between the Tyrrhenians and the Etruscans. He says, that neither in the inscriptions found in Campania, nor in the works of art, is there to be observed any trace of an Etruscan population; and he thinks that in the days of the Etruscan greatness, that is, in the third century of Rome, we cannot conceive the possibility of Etruscan colonies being settled in Campania, while the intervening country between the Tiber and the Liris was occupied by the Romans and the Opican nations. See Vol. I. p. 74. 76. Eng. transl. Müller, on the contrary,

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amongst these were Capua, Nola, Surrentum, and Salernum. Nay, there are traditions and names which have preserved a record of a still more extended Etruscan sovereignty: there was a time when their settlements in Campania must have been connected with those in Etruria by an uninterrupted line of conquered countries; the Volscians[6] were once subject to the Etruscans; the name of Tusculum seems to show that their power had penetrated into Latium; and it is stated generally that they had pos-

receives the common account of the ancient writers, as containing in it nothing improbable. Etrusker, Einleitung, IV. 1. Polybius' testimony is positive, that the Etruscans possessed the Phlegræan plains round Capua and Nola, at the time when they were also in possession of the plains round the Po, II. 17. And there were writers whom Velleius Paterculus quotes as saying that Capua and Nola were founded by the Etruscans, about forty-eight years before the common date of the foundation of Rome. When Paterculus further quotes Cato, as saying that Capua had been founded by the Etruscans, and yet that it had existed only two hundred and sixty years at the time of its conquest by the Romans in the second Punic war, there is indeed a calculation not very easy to be explained; for this would place the foundation of the Etruscan Capua or Vulturnum, only about fifty years earlier than its conquest by the Samnites, and in the year of Rome 281, a period at which it is indeed difficult to conceive of the Etruscans as establishing themselves for the first time in Campania. The solution of the whole question is probably to be found in what Virgil says of Mantua: "Gens illi triplex: . . . Tusco de sanguine vires." The ruling portion of these Campanian cities was Etruscan, but the bulk of the population was Oscan. Thus, when they were conquered by the Samnites, the marks of the Etruscan dominion speedily vanished, and the inscriptions which have reached our times are naturally Oscan, as that continued to be the language of the mass of the people. The foundation of Capua and Nola by the Etruscans may, in fact, have been no more than their occupation by some bands of Etruscan adventurers, who may have been engaged in the service of the Oscan inhabitants; just as Mastarna and his followers once occupied Rome, or as the Campanians afterwards occupied Messina. The Etruscan Dodecapolis, or confederacy of twelve cities, if indeed it ever existed in Campania, must have been founded undoubtedly at an earlier period; and yet we need not conceive it much earlier than the beginning of the Commonwealth of Rome.

[6] Servius, Æn. XI. v. 567.

sessed nearly the whole of Italy[7]. But from this their height of greatness they had long since fallen. Within historical memory they were only to be found in Etruria, on the Po, and in Campania; but about half a century before the period at which we are now arrived, the Samnites had broken up their southern confederacy, and had wrested[8] from them Capua, and most of their other cities in that quarter; while more recently, in the last year of the siege of Veii[9], the conquest of their northern confederacy was completed by the Gauls. Thus there only remained the central confederacy of Etruria Proper, and even this had been broken in upon as we have seen by the loss of Veii. Still there were left to them the powerful cities of Tarquinii, Vetulonium, Volaterræ, and Pisa, on or near the coast; and in the interior, Vulsinii, Clusium, Perusia, Cortona, and Arretium.

Their relations with the Greeks.

We are told that in early times[10] the Etruscans had enjoyed the dominion of the neighbouring seas, as well as of the land of Italy. About a hundred and fifty years before the fall of Veii, the Etruscans and Carthaginians in the western part of the Mediterranean stood in nearly the same relation to the Greeks

[7] Servius, Æn. XI. v. 567.

[8] Livy, IV. 37.

[9] Melpum, one of the richest cities in the country north of the Po, was said by Cornelius Nepos [Pliny, Hist. Natur. III. 17] to have been destroyed by the Gauls on the very day on which Camillus took Veii. What gave occasion to this story, representing the coincidence as so very exact, it is hard to guess: but that generally the fall of the northern Etruscan confederacy was contemporary with the siege of Veii, is rendered sufficiently probable by the appearance of the Gauls in Etruria Proper so soon afterwards.

[10] Livy, V. 33.

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who ventured into those seas, as the Spaniards in the sixteenth and seventeenth centuries did to the English in the West Indies and in South America. The Greeks were treated as interlopers, and they in their turn seem to have held, that there was no peace beyond the straits of Messina. Dionysius of Phocæa, when he fled from the ruin of the Ionian cause in Asia Minor, after the sea-fight off Miletus, considered the Etruscans [11] and Carthaginians as his natural prey, just as Raleigh regarded the Spaniards; and those treaties of commerce between Etruria and Carthage, of which Aristotle [12] has preserved the memory, provided, it is likely, not only for their relations with one another, but for their mutual defence against a nation whom both looked upon as their common enemy. But with the growth of the Greek cities in Sicily the maritime dominion of the Etruscans began to fall; and after the great naval victory gained over them at Cuma by Gelon's brother and successor, Hiero, they sank from sovereigns of the sea to pirates; and a few years afterwards, a very short time before the decemvirate at Rome, the Syracusans [13] sent a fleet to the coasts of Etruria, with the avowed object of putting down their piracies. And yet we know there was an active commerce [14] carried on between Etruria and the cities of old

[11] Herodotus, VI. 17.

[12] Politic. III. 9.

[13] Diodorus, XI. 88.

[14] We know this by the surest evidence, namely, by the vast quantities of Greek, and in particular of Athenian pottery, found in the recent excavations at Vulci and Tarquinii. See the "Discours de M. Bunsen," in the sixth volume of the "Annali dell' Instituto di corrispondenza archeologica," p. 40, et seqq.

Greece, so advantageous to both nations, that we can scarcely conceive how either of them could have allowed the robberies of its own people to hazard its interruption. It is possible, however, that what the Greeks called piracy was a system of vexations and violence carried on against Greek vessels in the Etruscan seas, with the view of keeping the trade exclusively in Etruscan hands; and the robberies of which the Greeks complained were committed by the people of the small towns along the coast, who not possessing natural advantages or wealth enough to engage on a large scale in commerce, turned their seamanship and enterprise to account in another way, and fitted out small vessels for piracy instead of the large ships employed for trading voyages. Thus it is expressly mentioned that the people of Cære[13], which was a large and wealthy city, possessing its harbour on the coast for the convenience of its trade, were wholly free from the reproach of piratical practices thrown by the Greeks upon the mass of their countrymen.

Sardinia.

Nothing can be more unequal than the fate of the three sister islands of Sicily, Sardinia, and Corsica. Whilst the first of them has rivalled in its fame the most distinguished countries of Europe, the two latter have remained in obscurity from the earliest times down to the present hour. They seemed to repel that kindling spark of Greek civilization which found so congenial an element in Sicily; and, there-

[13] Strabo, V. 2, § 3, p. 220.

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fore, as they did not receive what was the great principle of life in the ancient world, they were condemned to perpetual inactivity and helplessness. Of what race were the earliest inhabitants of Sardinia, we have no records to inform us. Settlers from Africa, not Carthaginians, but native Lybians[16], are said to have crossed over to the island at a very remote period. They were followed at intervals, such was the Greek tradition, by some adventurers or fugitives from Greece and Asia Minor; but these all belong to the mythic period, and the Greek settlements are said to have been afterwards utterly extirpated, whilst those from Asia, described as fugitives from Troy, were driven to the mountains and became barbarized. A more probable statement mentions a colony of Iberians from Spain, the founders of Nora[17], the oldest city in the island; and during the height of the Etruscan dominion, the Etruscan colonists brought in a new element to the already mingled population. When the power of the Carthaginians began to grow, Sardinia soon attracted their notice; already in the first year of the Roman Commonwealth, eight-and-twenty years before the expedition of Xerxes, it is spoken of as belonging exclusively to their dominion, in their famous commercial treaty with Rome; and at the period of the great Persian invasion of Greece, Sardinia is mentioned together with Corsica as furnishing mercenary soldiers[18] to that great host with which Hamilcar

[16] Pausanias, X. 17.
[17] Pausanias, X. 17.
[18] Herodotus, VII. 165.

invaded Sicily, and which was destroyed by Gelon at Himera. Yet a few years before, when the Persians were overpowering the Greek commonwealths in Asia Minor, Sardinia was more than once looked to by the Ionians [19], as offering them a desirable refuge from the conqueror's dominion, and as affording every facility for a flourishing Greek colony. But it was to the Ionians of Asia like an unknown world; and no sufficient number of colonists could be induced to join in the enterprise, while a small body would have been utterly unable to maintain its ground against the Carthaginians. Thus Sardinia remained subject to Carthage; and as the Carthaginians wanted it chiefly to supply their armies with soldiers, and to provide harbours for their ships engaged in the trade with Etruria, they took no pains to improve its natural resources, but are said to have purposely kept waste [20] some of its most fertile districts, that no reports of its fertility might tempt thither what they above all things dreaded, a colony of Greeks.

Corsica had undergone nearly the same course of events as Sardinia. Its oldest inhabitants were Iberians and Ligurians; it was then occupied by the Etruscans, who, after having by the aid of the Carthaginians effected the ruin of the Greek settlement of Aleria or Alalia [21], and having shared the dominion of the island with their Carthaginian allies down to the time of the decemvirate at Rome, were

Corsica.

[19] Herodotus, I. 170. V. 124.
[20] Aristotle, De mirabil. 100.
[21] Herodotus, I. 166.

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now, in the general decline of their nation, leaving it entirely to the Carthaginians. Corsica was valuable for its timber and its mines, but its agriculture was of no account, and its native inhabitants were reckoned among the most untameable of barbarians[22].

Campania.

These were the countries which bounded the horizon of Rome to the north and west. Southward and eastward, beyond that belt of mountain country held by the Opican nations, the Æquians and Volscians, which girt in Latium from the Anio to the sea, there lay a country, destined ere long to be the favourite battle-field of the Romans, but a stranger to them as yet both in the relations of peace and of war. Campania, inhabited in the most remote times by the Sikelians[23], then wrested from them by the Opicans, receiving at a very early period the first germ of Greek civilization, in the Chalcidian colony of Cuma, and afterwards subjected, like so many other parts of Italy, to the wide-spreading dominion of the Etruscans, had lately, as we have seen, submitted to a new invader, the nation of the Samnites. The Samnites, a people of the Sabellian or Sabine race, had descended from their high valleys amidst the ranges of the divided line of the Apennines, and were now the ruling nation in Campania, although they had by no means extirpated the older races of its inhabitants. On the contrary, they seem themselves to have almost melted away into the general

[22] Strabo, V. 2. 6, 7, p. 224.

[23] Thucydides, VI. 2.

mass of their mixed subjects; the conquered did not become Samnites, but the conquerors became Campanians, the Opican or Oscan being the prevailing language, but the influence of the Greek colonies, Cuma and Neapolis, spreading powerfully around them, as usual, the arts and the manners of Greece. But the Samnite invasion, and the revolution which followed it, produced great disorder; the old inhabitants, whom the conquerors despoiled of their property, were driven to maintain themselves by their swords; the conquerors themselves had many adventurers amongst them, who preferred war, with the prospect of fresh plunder, to a peaceful life in the country which they had won; and thus for more than a century we read of numerous bands of Campanian or Opican mercenaries, partly Samnite and partly Oscan, employed in the wars of Sicily, as if foreign service had been one of the principal resources of the nation. It is mentioned that eight hundred of them were engaged by the Chalcidian Greeks of Cuma or Neapolis[24], to serve in the Athenian armament against Syracuse; but that, arriving in Sicily after the destruction of the Athenians, they were hired by the Carthaginians.

Invasion of the south of Italy by the Lucanians.

As a new people had thus arisen in Campania, so new names and a new power had lately come into notice in the south of Italy. From Thurii to Rhegium, on the shore of the Ionian Sea, from Rhegium to Posidonia, on the Tyrrhenian Sea, the numerous Greek colonies which lined both coasts were settled

[24] Diodorus, XIII. 44.

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in a country known to the early Greek writers by the names of Italia and Œnotria[25]. The natives of the interior, Œnotrians and Chonians, had for many years past wanted either the will or the power to offer serious annoyance to the Greeks; and when Sybaris was destroyed by its neighbour city Croton, the natives took no advantage of these internal quarrels, and a new Greek colony, Thurii, arose in the place of Sybaris without any opposition on their part. But the latter part of the fifth century before the Christian æra, in other words, the early part of the fourth century of Rome, and the period of the Peloponnesian war, was a time marked by natural as well as political calamities beyond all remembered example. The pestilences, which we have already noticed as causing such havoc at Rome and throughout Latium, travelled, we may be sure, into Samnium also; their visitations are often accompanied by unfavourable seasons, which cause scarcity or famine; and the distress occasioned by one or both of these scourges may have led to those movements amongst the Samnites which at this period so greatly changed the face of Italy. On one side, as we have seen, they broke in upon the Opicans of the valley of the Vulturnus and the country round Vesuvius; on another they overwhelmed the Œnotrians and Chonians[26], and spread themselves as far as the Ionian Sea. The tribe or mixed multitude which moved on this expedition southwards, was afterwards known by the

[25] Aristotle, Politica, VII. 10. Herodotus, I. 167.

[26] Strabo, VI. 1, § 2, 3, p. 253, 254.

name of Lucanians. It does not follow that they were very numerous, far less are we to suppose that they extirpated the older inhabitants; but as conquerors they gave their name to the country, and till they gradually became a settled people, they were the terror of the Greek colonies. It is probable that many of the Œnotrians became barbarized by the oppressions and example of their conquerors, and that the whole population of the interior, known under one common name of Lucanians, carried on a restless plundering warfare against the Greek cities on both coasts of the Peninsula. Posidonia fell into their hands, and the Greek inhabitants, like the Opicans of Capua, became a subject people in their own city; and so general was the terror excited by the Lucanian inroads, that the Greeks formed a league[27] amongst themselves for their mutual defence, and if any city was backward in coming to the rescue, when summoned to aid against the Lucanians, its generals were to be put to death. But whilst the barbarians were thus driving them to the sea, another enemy drove them back from the sea to the barbarians. Dionysius of Syracuse had formed an alliance with the Lucanians, hoping, with their aid, to obtain possession of the Greek cities; he repeatedly invaded Italy, destroyed Caulon and Hipponium, and made himself master of Rhegium.

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When the Lucanians first became formidable to

Character of the Lucanians.

[27] Diodorus, XIV. 101.

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the Italian Greeks, they were stigmatized as a horde of the lowest barbarians[28], a mixed band of robbers, swelled by fugitive slaves, and desperate adventurers of every description. But when time had converted the invaders and plunderers of Œnotria into its regular inhabitants and masters, when the Lucanians had an opportunity of displaying the better points of their character, then the contrast between their simple and severe manners, and the extreme profligacy of the Greek colonies, could not fail to attract attention. "The Lucanians," says Heraclides Ponticus[29], "are a hospitable and an upright people." And another testimony[30] declares, that "amongst the Lucanians, extravagance and idleness are punishable crimes; and if any man lends money to a notorious spendthrift, the law will not enable him to recover it." We find similar praises bestowed by Scymnus of Chios on the Illyrians, who a century before his time had been infamous for their piracies. But when a rude people have lost somewhat of their ferocity, and have not yet acquired the vices of a later stage of civilization, their character really exhibits much that is noble and excellent, and both in its good and bad points it so captivates the imagination, that it has always been regarded by the writers of a

[28] We Athenians, says Isocrates, ῥᾷον μεταδίδομεν τοῖς βουλομένοις ταύτης τῆς εὐγενείας ἢ Τριβαλλοὶ καὶ Λευκανοὶ τῆς αὐτῶν δυσγενείας. De Pace, § 62, p. 169.

[29] De Politiis sive rebuspublicis. Artic. "Lucani." Heraclides Ponticus flourished in the latter part of the fourth century before the Christian æra: he was a disciple of Plato, Speusippus, and Aristotle. See Fynes Clinton, Fasti Hellen. Vol. III. Appendix XII.

[30] Nicolas Damascenus, de moribus gentium. Artic. "Lucani." He lived in the Augustan age.

more advanced state of society with an admiration even beyond its merits.

Iapygia.

The extreme south-eastern point, the heel of Italy, was the country of the Iapygians or Apulians, the one being the Greek and the other the Latin form of the same name[31]. They stretched round the Iapygian cape, and were to be found along the coast of the Adriatic, as far as the headland of Garganus. But neither these nor the Sabellian nations immediately beyond them, nor the Umbrians who lived again still further to the north-west, and joined the Etruscan settlements on the shores of the Adriatic, were as yet become famous in history.

Interference of Dionysius of Syracuse in the affairs of south Italy.

There was, however, a movement beginning about this period on the east of Italy, which threatened to lead to the most important consequences. Dionysius of Syracuse, unsatisfied with his Sicilian dominion, and looking to Greece itself as the most tempting field of ambition to every Greek, was desirous of getting a footing on the coast of Epirus, and of establishing a naval power in the Ionian Sea and the Adriatic. Accordingly he entered into an alliance with the Illyrians[32], and, unless there is a confusion between the two names, he occupied both the island of Issa[33], the modern Lissa, and the town of Lissus[34]

[31] See Niebuhr, Vol. I. p. 151. Ed. 1827.

[32] Diodorus, XIV. 13.

[33] Scymnus Chius, V. 413. Scylax also calls Issa a Greek city.

[34] Diodorus, XV. 13, 14. It is hard to account for the strange state of the actual text of Diodorus, in which, after mentioning the foundation of Lissus, it goes on, ἐκ ταύτης οὖν ὁρμώμενος Διονύσιος κατεσκεύασε νεώρια, κ. τ. λ. describing, in three lines, the great works of Dionysius at Syracuse, which Diodorus had already mentioned at length in the preceding book,

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on the main land, a little to the north of Epidamnus, and kept a fleet regularly stationed at this latter settlement, to uphold the reputation of his power. But there is a statement in Pliny [35] and other writers, that Ancona, Numana, and Adria, on the coast of Italy, were also Sicilian settlements. Adria is expressly said to have been founded by Dionysius, and his intercourse with these countries is further shown by the fact that he was in the habit of importing the Venetian horses [36], as the best breed for racing; the great games of Greece being to him, as they had been to Alcibiades, an object of peculiar interest and ambition. Strabo also calls Ancona a Syracusan colony [37], but ascribes its foundation to some exiles who fled from the tyranny of Dionysius. That there was a Greek population there, and that the Greek

and which have no intelligible connexion with the foundation of Lissus. It is a curious specimen of the patchwork of so many of the ancient histories; for the whole passage, beginning at Πάριοι κατά τινα χρησμόν, and going down to the end of the chapter, is taken apparently from some account either of Paros, or of the Greek settlements in the western seas, where the writer having been led accidentally to mention Dionysius, συμπράξαντος αὐτοῖς Διονυσίου τοῦ τυράννου, took the opportunity to give a brief sketch of the greatness of so famous a man. But Diodorus must have left out something in the middle of the passage, and joined the end with the beginning with most extraordinary carelessness; ἐκ ταύτης never could have referred to τὴν πόλιν τὴν ὀνομαζομένην Λισσόν, but, as I should suppose, to Syracuse, such as it was when Dionysius first became tyrant. Some mention of Syracuse must have preceded the description of the docks and walls, and the expression, τῇ πόλει, as at present the sentence is either wholly ungrammatical, or is mere nonsense. Mitford really supposes that ἐκ ταύτης refers to Lissus, and talks of the advantages derived from this colony giving Dionysius the means of building docks, &c. at Syracuse; an interpretation equally at variance with grammar and with history.

[35] Hist. Natural. III. 13. Numana a Siculis condita; ab iisdem colonia Ancona. Etymologic. Magn. in Ἀδρίας.

[36] Strabo, V. 1, § 4, p. 212.

[37] V. 4, § 2, p. 241.

language was prevalent, is proved by its coins; yet, on the other hand, Scylax, though he names Ancona, does not call it a Greek city, a circumstance which he rarely or never omits, when he is speaking of Greek cities built on a foreign coast. The probability is, that the death of Dionysius and the subsequent decline of his power, left these remote colonies to themselves; that their communication with Greece and Sicily was greatly checked by the growing piracies of the Illyrians, and that they admitted, either willingly or by necessity, an intermixture of barbarian citizens from the surrounding nations, which destroyed or greatly impaired their Greek character. But it marks the power of Dionysius, that at one and the same time he should have been founding colonies on the coast of the Adriatic, and that on the other side of Italy he should have been master of the sea without opposition, insomuch that, under pretence of restraining the piracies of the Etruscans, he appeared with a fleet of sixty triremes [38] on the coast of Etruria, passed the mouth of the Tiber almost within sight of Rome, landed on the territory of Cære, defeated the inhabitants who came out to resist him, sacked their sea-port of Pyrgi, and carried off from the plunder of the temple of Leucothea [39], or Mater Matuta, a sum computed at no less than a thousand talents.

[38] Diodorus, XV. 14. Pseudo-Aristotle, Œconom. II. p. 1349. Ed. Bekker.

[39] Ἔλαβεν ἐκ τοῦ τῆς Λευκοθέας ἱεροῦ. Pseudo-Aristotle. "Leucothee Græcis, Matuta vocabere nostris." Ovid, Fasti, VI. 545.

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The mention of this eminent man leads me naturally to Sicily, to take some notice of the heart and root of that mighty dominion which spread out its arms so widely and so vigorously. Besides, the Roman history has hitherto presented us with nothing but general pictures, or sketches rather, of the state of the Commonwealth as a whole: individuals have been as little prominent as the figures in a landscape: they have been too subordinate, and occupied too small a space in the picture, to enable us to form any distinct notion of their several features. But Dionysius out-topped by his personal renown the greatness of the events in which he was an actor; he stood far above all his contemporaries, as the most remarkable man in the western part of the civilized world. We may be allowed then to overstep the limits of Italy, and to consider the fortunes and character of a man who was the ruler of Syracuse and of Sicily during a period of nearly forty years in the middle of the fourth century of Rome.

CHAPTER XXI.

DIONYSIUS THE ELDER, TYRANT OF SYRACUSE.

Πόπλιον Σκιπίωνά φασι ἐρωτηθέντα, τίνας ὑπολαμβάνει πραγματικωτάτους ἄνδρας γεγονέναι καὶ σὺν νῷ τολμηροτάτους, εἰπεῖν, τοὺς περὶ Ἀγαθοκλέα καὶ Διονύσιον τοὺς Σικελιώτας.—Καὶ περὶ μὲν τῶν τοιούτων ἀνδρῶν εἰς ἐπίστασιν ἄγειν τοὺς ἀναγινώσκοντας . . . καὶ καθόλου προστιθέναι τὸν ἐπεκδιδάσκοντα λόγον—ἁρμόζει.—POLYBIUS, XV. 35.

THE history of colonies seldom offers the noblest specimens of national character. The Syracusan people, made up in the course of a long alternation of tyrannies and factions, out of the most various elements, had been bound together by no comprehensive code of laws, and from their very circumstances they could not find a substitute for such a code in the authority of ancient and inherited rites of religion, and of the manners and customs of their fathers. CHAP. XXI. State of Syracuse before the tyranny of Dionysius.

The richer citizens, who often possessed very large fortunes, were always suspected, and probably not without reason, of aiming at making themselves tyrants; whilst the people possessing actual power, yet feeling that its tenure was precarious, were disposed to be suspicious even beyond measure, and Hermocrates and Diocles.

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were prone to violence and cruelty. The Athenian invasion, by obliging the Syracusans to fit out a great naval force, had increased, as usual, the power of the poorer classes[1], who always formed the great mass of the seamen in the Greek commonwealths: while on the other hand, although Hermocrates, one of the most eminent of the aristocratical leaders, had personally displayed great courage and ability, and although the cavalry in which the richest citizens served had always acquitted itself well, yet the heavy-armed infantry, which contained the greatest proportion of the upper classes, had gained little credit; and the victory over the invaders had been won by the seamen of Syracuse far more than by its soldiers. Thus the popular party became greatly strengthened by the issue of the invasion: Hermocrates and some of his friends were banished[2], while Diocles, the head of the popular party, a man somewhat resembling the tribune Rienzi, a sincere and stern reformer, but whose zealous imagination conceived schemes beyond his power to compass, endeavoured at once to give to his countrymen[3] a pure democracy, and to establish it on its only sure foundation, by building it upon a comprehensive system of national law.

Code of Diocles.

Of the details of this code we know nothing. Diodorus ascribes to it the high merits of conciseness and precision, and while he speaks of it as severe, he praises it for its discrimination in proportioning its punishments to the magnitude of the crime. But

[1] Aristotle, Politic. V. 4. Thucydides, VIII. 85.
[2] Xenoph. Hellenic. I. i. § 27. [3] Diodorus, XIII. 34, 35.

its best praise is, that it continued to enjoy the respect, not only of the Syracusans, but of other Sicilian states also, till the Roman law superseded it. This was the law of Syracuse, and Diocles was the lawgiver; while others, who in the time of Timoleon, and again in the reign of Hiero, either added to it or modified it, were called by no other title than expounders of the law[4]; as if the only allowed object for succeeding legislators was to ascertain the real meaning of the code of Diocles, and not to alter it.

Efforts of the aristocratical party against it.

But democracy and law, when first introduced amongst a corrupt and turbulent people, require to be fostered under the shelter of profound peace. Unluckily for Diocles, his new constitution was born to stormy times; its promulgation was coincident with the renewal of the Carthaginian invasions of Sicily, after an interval of nearly a century. "War," says Thucydides[5], "makes men's tempers as hard as their circumstances." The Syracusan government was engaged in an arduous struggle; the power of its enemy was overwhelming, while every failure in military operations bred an increase of suspicion and disaffection at home. Then the aristocratical party began, as they are wont to do, to use popular language, in order to excite the passions of the multitude, and thus make them the instruments of their own ruin. They encouraged the cry of treason and corruption against the generals of the Common-

[4] Ἐξηγητὴν τοῦ νομοθέτου. Diodor. XIII. 35.

[5] III. 82. Βίαιος διδάσκαλος, καὶ πρὸς τὰ παρόντα τὰς ὀργὰς τῶν πολλῶν ὁμοιοῖ.

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wealth; and personal profligacy was united with party zeal. Hipparinus was a member of the aristocratical party; he was also a desperate man, because he had ruined himself by his extravagance [6]; both these causes united made him anxious to overthrow the popular government; and looking about for a fit instrument to accomplish his purpose, he found and brought forward Dionysius.

Early character of Dionysius.

There must have been no ordinary promise of character in Dionysius to lead to such a choice. He was a young man under five-and-twenty [7], not distinguished either for his birth or fortune, and his personal condition was humble; he was a clerk [8] in some one of the departments of the public business. But he had been a follower of Hermocrates, and had accompanied him in his attempt to effect his return from exile by force, and had been wounded [9] in the conflict which took place on that occasion, and in which Hermocrates was killed. He was brave, active, and eloquent; the wealth [10] and influence of a powerful party supported him, and he came forward when men's minds were wrought up to the highest pitch of alarm and irritation; for Agrigentum, after a seven months' siege, had been taken and sacked by the Carthaginians, and the fugitives who fled to

[6] Aristotle, Politica, V. 6.

[7] Cicero, Tusculan. Disputat. V. 20.

[8] Demosthenes, Leptines, prope finem.

[9] Diodorus, XIII. 75.

[10] It is said that at the beginning of his career, when he was fined, on one occasion, by the magistrates for addressing the people irregularly, Philistus, the historian, a man of large property, paid the fine for him, and told him to go on speaking as much as he pleased, and that as often as the magistrates fined him, so often would he continue to discharge the fine for him. Diodorus, XIII. 91.

Syracuse for shelter, ascribed the loss of their city to the misconduct of the Syracusan generals, who had been sent to its relief, and had allowed it to fall unprotected.

Death of Diocles.

The popular party was no longer headed by Diocles. We do not know the exact time or occasion of his death, but the circumstances attending it are most remarkable. One of the laws of his code had denounced the penalty of death against any man who came into the market-place armed. This was especially directed no doubt against the aristocratical party, who were apt to resort to violence [11], in order to break up or intimidate the assemblies of the people, or to revenge themselves on any of the more obnoxious popular leaders. It happened that Diocles had marched out of the city on an alarm of some hostile inroad, perhaps that very attempt [12] of Hermocrates to get back to Syracuse by force, which has been already noticed. But he was suddenly recalled by the news that the enemy were in the city, and, armed as he was, he hastened back to meet them, and found them already in possession of the

[11] As the aristocrats at Corcyra broke into the council-house with daggers, and murdered the heads of the popular party to the number of about sixty, partly to escape from the payment of a fine which they had lawfully incurred, and partly to prevent the passing of a decree for an alliance with Athens. Thucyd. III. 70.

[12] It is true, that, according to Diodorus, Diocles had been banished some time before [XIII. 75]; but his account of the affairs of Syracuse, between the Athenian expedition and the tyranny of Dionysius, is exceedingly fragmentary, and observes no chronological order. It may be, then, that Diocles had been recalled previously to the final attempt of Hermocrates; at least the circumstances of that attempt, and of the affray which led to the death of Diocles, bear a remarkable resemblance to each other. See Diodorus, XIII. 33 and 75.

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market-place. A private citizen, most probably after the fray was over, when the death of so eminent a citizen as Hermocrates would be deeply felt, even by many of his political adversaries, called out to Diocles, in allusion to his having appeared in arms in the market-place, "Ah, Diocles, thou art making void thine own laws!" "Nay rather," was his reply, "I will ratify them thus;" and he instantly stabbed himself to the heart. Such a spirit, so sincere, and so self-devoted, might well have been the founder of freedom and of legal order for his country, and saved her, had his life been prolonged, from the selfish ambition of Dionysius.

Restoration of the aristocratical exiles.

His place at the head of the government was supplied, inadequately as it appears, by Daphnæus and Demarchus[13]. Dionysius played the demagogue ably; inveighing against the incapacity of the generals, representing them as men of overweening influence[14], and urging that the people would do well to choose, in their place, men of humbler means, whom they would be able more effectually to control. Accordingly the assembly deposed their actual generals, and elected others in their room, and amongst these was Dionysius. Thus far successful, he ventured on a

[13] Diodorus, XIII. 96. Daphnæus had commanded the Syracusan troops which had been sent ineffectually to the relief of Agrigentum. Diodorus, XIII. 86. Demarchus was one of the generals sent to supersede Hermocrates in the command of the auxiliary force which was co-operating with the Peloponnesians, on the coast of Asia Minor, against the Athenians. Thucyd. VIII. 85.

[14] Diodorus, XIII. 91. Aristotle, Politica, V. 5. Διονύσιος κατηγορῶν Δαφναίου καὶ τῶν πλουσίων ἠξιώθη τῆς τυραννίδος, διὰ τὴν ἔχθραν πιστευθεὶς ὡς δημοτικὸς ὤν.

more decisive measure, a general recall of exiled citizens[15]. It should be remembered, that in the continual struggles between the aristocratical and popular parties throughout Greece, the triumph of one side was accompanied by the banishment of the most forward supporters of the other. Every state had thus always its exiles, like the *fuorusciti* of the Italian republics, whose absence[16] was essential to the maintenance of the existing order of things, and whose recall was equivalent to a revolution. The Syracusan exiles were the youth of the aristocratical party, the friends and comrades of Hermocrates, bold and enterprising, proud and licentious, the counterparts of Kæso Quinctius and of the supporters of the decemvir Appius; men whose natural hatred and scorn of the popular party was embittered by the recollection of their exile. An obdurate spirit is not the vice of a democracy; the kindly feelings of the people, their sympathies with youth and high birth, their hopes and their fears were alike appealed to; the tide was already setting towards aristocracy: the assembly decreed a general recall of the exiles, and the revolution from that moment became inevitable.

Dionysius appointed captain-general of the Commonwealth.

The overthrow of the constitution of Diocles and of the popular party was sure: but it was owing to the terror of the Carthaginian arms, and the personal ascendancy of Dionysius, that there was set up

[15] Diodorus, XIII. 92.

[16] Thus it was one of the clauses in the oath taken by every member of the court of Heliæa, at Athens, "that he would not recall those citizens who were in exile." Demosthenes, Timocrates, p. 746.

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in its place the despotism of a single man, instead of an aristocracy. Dionysius continued to attack his colleagues [17], no less than the generals who had preceded them: "they were selling Syracuse to the Carthaginians," he said; "they were withholding the soldiers' pay, and appropriating the public money to themselves: he could not endure to act with such associates, and was resolved therefore to lay down his office." A dictatorship is the most natural government for seasons of extraordinary peril, when there appears a man fit to wield it. The terror of the coalition drove the French, amidst the full freshness of their enthusiasm for liberty, to submit to the despotism of the Committee of Public Safety: and Dionysius, bowing all minds to his ascendancy by the mighty charm of superior genius, was elected sovereign commander of the Commonwealth [18]. It is said that Hipparinus, who first brought him forward, was appointed as his nominal colleague; with as much

[17] Diodorus, XIII. 94.

[18] Στρατηγὸς αὐτοκράτωρ. It is not to be supposed that this title conferred that unconstitutional and absolute power which the Greeks called "tyranny." It implied merely an unrestricted power of conducting the operations of the war, and released the general from the necessity of consulting the government at home as to his measures, and of communicating his plans to them. It was the title conferred on Nicias and his colleagues by the Athenians, when they sent their great expedition to Sicily; and after the Syracusans had sustained their first defeat, Hermocrates urged that their generals also should be invested with these full powers, and that the people should take the oath which in fact conveyed them, namely, "that they would let their generals exercise their command at their discretion." See Thucydides, VI. 26. 72. But as the perpetual dictatorship at Rome was equivalent to a tyranny, so Dionysius, by retaining his command for an unlimited time, and abusing the military power which it gave him for purposes wholly foreign to its proper objects, did in fact convert it into a political despotism.

of real equality of power as was enjoyed by Lebrun and Cambacérès when they were elected consuls along with Napoleon.

Length of his reign.

From this time forward Dionysius retained the supreme power in Syracuse till his death, a period of nearly forty years. When he first assumed the government, the Peloponnesian war was not yet ended: and one of his latest measures was to send aid to his allies, the Lacedæmonians, when Sparta itself was threatened with conquest by the army of the Theban confederacy, headed by Epaminondas. In the course of this long reign he had to contend more than once with domestic enemies, and was always more or less engaged in hostility with Carthage. The first he crushed, and from the last, although reduced on one occasion to the extremest jeopardy, he came forth at last triumphant. Without entering into a regular account of his life and actions, it will be enough to take a general view of his government in some of its most important relations at home and abroad.

Internal affairs. State of parties.

Dionysius owed his elevation, as we have seen, to the ascendancy of his own genius acting upon minds agitated by suspicion of their own government, and by intense fear of the progress of the Carthaginians. The recall of the exiles gave him a number of devoted partisans, and the war led to the employment of a large body of mercenary soldiers, who both from inclination and interest would be disposed to support an able and active general. These remained faithful to him[19], when his ill success against the

[19] Diodorus, XIII. 112, 113.

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Carthaginians, in the very first year of his government, had shaken his popularity amongst the Syracusans, and encouraged them to attempt an insurrection. Nor was it the old popular party to whom he was most obnoxious, but the citizens of the richer classes, who as they would have rejoiced in the overthrow of the democracy, so were no way pleased to see it succeeded by the despotism of a single man, under which they were sure to be the greatest sufferers. And partly perhaps from this very reason the poorer classes began to be better affected to his government, and he showed a desire to win their attachment. The knights, or richest class, fled from Syracuse in great numbers, or were banished, or put to death[20]; a great mass of landed property was thus placed at his disposal; and there was besides, as in every state of the ancient world, a considerable amount also of public land, of which wealthy individuals had ordinarily a beneficial occupation. With all these means in his power, he put in practice the two grand expedients of revolutionary leaders, a large admission of new citizens, and a division of the public and confiscated land amongst them. The new citizens were many of them enfranchised slaves, to whom he assigned houses in Syracuse, as well as portions of land in the country. Thus the state of parties had assumed a new form; the better part of both the old aristocratical and popular interests were drawn together by their common danger, while Dionysius

[20] Diodorus, XIII. 113. XIV. 7.

was supported by a few individuals of the richest class who shared in the advantages of the tyranny, by the mercenary soldiers, and by the lowest portion of the whole population, who owed to him their political existence.

Fruitless attempt to overthrow the power of Dionysius.

Accordingly, as the knights had shown their hostility to his government, so also did that large body of citizens of the middle classes, who in the ancient commonwealths composed the heavy-armed infantry. When Dionysius led them into the field to make war against the Sikelians, (the old inhabitants of Sicily, whom the Greek colonies had driven from the coast into the interior of the island,) they openly rose against his authority [21], and invited the exiled knights to join them. This was one of the greatest dangers of his life; he fled to Syracuse and was there besieged, but the strength of the walls protracted the siege, and time led to divisions and quarrels amongst the besiegers. Meantime Dionysius engaged the services of a body of those Campanian mercenaries [22], whose reputation for valour was so high at this period in Sicily, and by their aid he defeated his antagonists. But wishing to break effectually so formidable a combination, he offered an amnesty [23] to all who would return and live quietly in Syracuse; and finding that few only of the exiled knights accepted this offer, and feeling that the class of heavy-armed citizens was no less hostile to him, he took advantage of the ensuing harvest, when the

[21] Diodorus, XIV. 7.
[22] Diodorus, XIV. 8.
[23] Diodorus, XIV. 9.

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citizens were engaged in getting in their corn in the country, and sent parties of soldiers[24] to their houses in Syracuse to carry off their arms. After this he began to increase his navy, the seamen being now the class of citizens on whom he could most rely, and further strengthened himself by raising an additional force of mercenaries.

Causes of the permanence of his government.

From this time till his death, a period of nearly thirty-seven years, the government of Dionysius met with no further disturbance from any domestic enemies. Eight years afterwards, indeed, when the great Carthaginian armament under Imilcon was besieging Syracuse, an attempt was made[25] by some of the knights to excite the people against him, and Theodorus is said to have attacked him in the public assembly as the author of all the calamities of his country. But the influence of the commander of a Lacedæmonian auxiliary force[26] then at Syracuse was exerted strongly in his favour; his own mercenaries were formidable; and in a season of such imminent danger from a foreign enemy, many even of those who disliked his government would think it inexpedient to molest it. On this occasion he tried all means to win popularity, mixing familiarly with the poorer citizens, gratifying some by presents, and admitting others to those common tables or messes of the soldiers,

[24] Diodorus, XIV. 10. This is the *παραίρεσις τῶν ὅπλων*, the disarming of those classes which usually possessed arms, one of the most well-known expedients of the Greek tyrants to obtain or to secure their power. Τὴν *παραίρεσιν ποιοῦνται τῶν ὅπλων* (scil. *οἱ τύραννοι*), says Aristotle, implying that it was their ordinary manner of proceeding. Politica, V. 10.

[25] Diodorus, XIV. 64, 65.

[26] Diodorus, XIV. 70.

which were kept up at the public expense[27]. But the permanent security of his dominion rested on his mercenary troops, who were ever ready to crush the beginnings of a tumult, on his own suspicious vigilance, on the ascendancy of his firm and active character, and on the mutual jealousies and common weakness of the old aristocratical and popular parties, among whom there seems to have been no eminent man capable of opposing so able a tyrant as Dionysius. It should be remembered that the far weaker government of the second Dionysius was only overthrown, in the first instance, by the defection of a member of his own family; and when he was expelled the second time, the Syracusans could find no competent leader amongst themselves; they were obliged to invite Timoleon from Corinth.

His government was a tyranny.

All the ancient writers without exception call

[27] Diodorus, XIV. 70. Τινὰς δὲ ἐπὶ τὰ συσσίτια παρελάμβανε. That this institution of syssitia, or common tables, was not peculiar to the Lacedæmonians, is well known. It was practised at Carthage, and even its first origin was ascribed not to any Greek people, but to the Œnotrians of the south of Italy. See Aristotle, Politic. II. 11. VII. 10. Aristotle blames the Lacedæmonians for altering the character of the institution by making each individual contribute his portion, instead of causing the whole expense to be defrayed by the public. The object of the common tables was to promote a social and brotherly feeling amongst those who met at them; and especially with a view to their becoming more confident in each other, so that in the day of battle they might stand more firmly together, and abide by one another to the death. With Dionysius, these common tables would be confined to his guards, or to such of the soldiers as he could most rely on: they would be maintained at his expense, and would be used as a means of keeping up a high and exclusive feeling amongst their members, as belonging to a sort of privileged order. And thus the offer of admission to such a society would be an effectual bribe to many, as being at once a benefit and a distinction.

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the government of Dionysius a tyranny[28]. This, as is well known, was with them no vague and disputable term, resting on party impressions of character, and thus liable to be bestowed or denied according to the political opinions of the speaker or writer. It describes a particular kind of government, the merits of which might be differently estimated, but the fact of its existence admitted of no dispute. Dionysius was not a king, because hereditary monarchy was not the constitution of Syracuse; he was not the head of the aristocratical party, enjoying supreme power, inasmuch as they were in possession of the government, and he was their most distinguished member; on the contrary, the richer classes were opposed to him, and he found his safety in banishing them in a mass, and confiscating their property. Nor was he the leader of a democracy, like Pericles and Demosthenes, all-powerful inasmuch as the free love and admiration of the people made his will theirs; for what democratical leader ever surrounded himself with foreign mercenaries, or fixed his residence in the citadel[29], or kept up in his style of

[28] Even Xenophon calls him "Dionysius the tyrant." (Hellenic. II. 2, § 24.) It is remarkable, however, and confirms Niebuhr's opinion that the Hellenics contain two distinct works, and that the five last books were written many years later than the two first, when Xenophon's feelings were become more completely aristocratical or anti-popular, that in the latter books Dionysius is not called tyrant, but is spoken of simply as "Dionysius," or as "the first Dionysius." The offensive appellation was not to be bestowed on the ally of Lacedæmon and Agesilaus.

[29] Mitford's mistake in supposing that the island at Syracuse was not the citadel; and arguing that Dionysius was not a tyrant, because he resided amongst the "nautic multitude," and not on the heights of Epipolæ, which Mitford imagines to have been the citadel, will be shown in a subsequent note.

living and in the society which surrounded him the state and luxury of a king's court? He was not an hereditary constitutional king, nor the leader of one of the great divisions of the Commonwealth: but he had gained sovereign power by fraud, and maintained it by force: he represented no party, he sought to uphold no ascendancy but that of his own individual self; and standing thus apart from the sympathies of his countrymen, his objects were essentially selfish, his own safety, his own enjoyments, his own power, and his own glory. Feeling that he had no right to be where he was, he was full of suspicion and jealousy, and oppressed his subjects with taxes at once heavy and capriciously levied, not only that he might enrich himself, but that he might impoverish and weaken them. A government carried on thus manifestly for the good of one single governor, with an end of such unmixed selfishness, and resting mainly upon the fear, not the love of its people, with whatever brilliant qualities it might happen to be gilded, and however free it might be from acts of atrocious cruelty, was yet called by the Greeks a tyranny.

His taxes and spoliations.

It was no part of the policy of such tyrants to encourage trade or agriculture, that their own wealth might be the legitimate fruit of the general wealth of their people. On the contrary, their financial expedients were no other than blind and brute exactions, which satisfied their immediate wants; it mattered not at what cost of future embarrassment.

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Aristotle names Dionysius' government [30], as exemplifying the tyrant's policy of impoverishing his people by an excessive taxation. The direct taxes were at one time so heavy [31], that it was computed that in the course of five years they equalled the entire yearly value of the property on which they were levied; then there was the old fraud of debasing the coin [32], the oppression of forced loans, which he paid in a depreciated currency, direct robbery of his people under the pretence of ornamenting the temples of the gods, and an unscrupulous sacrilege, which ap-

[30] Politica, V. 11.

[31] Aristotle's expression is, *ἐν πέντε γὰρ ἔτεσιν ἐπὶ Διονυσίου τὴν οὐσίαν ἅπασαν εἰσενηνοχέναι συνέβαινε.* This can only mean, I suppose, one of two things: either, as I have explained it in the text, that Dionysius imposed a property tax of twenty per cent., so that in five years a man might be said to have paid taxes to the amount of his whole income, or else that a man's property was valued much below its real worth; so that twenty per cent. on the rated amount of his property, not of his income merely, would be very much less than a fifth part of what he really possessed. It might thus be possible that a man might have paid in five years a sum equal to the rated amount of his whole property; but that he should literally have paid a sum equal to his whole real property seems to me an absurdity. To notice no other objections, was it ever known that the money in any country bore such a proportion to the value of the property in it as to render it possible in five years to convert all property into cash? For the rest, the period of five years here mentioned is remarkable, as it seems to indicate that the official valuation of property at Syracuse, as at Rome, took place every five years.

[32] This, and the following instance of Dionysius' exactions, are taken from the second chapter of the second book of the Œconomica, commonly ascribed to Aristotle. This chapter, however, is clearly not Aristotle's, but as Niebuhr has shown (Kleine Historische Schriften, p. 412), must have been a later work, written in Asia Minor, and is a collection of all sorts of financial tricks and extortions, which are recommended to the imitation of the satraps and officers of the monarchies of Alexander's successors. And whoever reads the whole of the collection will find no reason to doubt the truth of the stories about Dionysius, as being unprecedented or unworthy of him.

propriated the very offerings to the gods, so made, to his own individual uses. With such a system, it is not wonderful that plunder should have been one of his favourite resources. The sale of prisoners taken in war, one of the most important of the ways and means of the first Cæsar, was so much a matter of ordinary usage in the ancient world, that it brought no peculiar obloquy on Dionysius. But the sack of the wealthy temple of the Mater Matuta on the Etruscan coast, was considered as little better than piracy [33]; and it was reported that his settlement at Lissus, on the coast of Epirus, was mainly intended to further his design of plundering the very temple of Apollo at Delphi [34]. We read of his colonies up the Adriatic; but the only notice of any commerce carried on with those countries, mentions merely the importation of horses [35] from the country of the Veneti, in order that they might run in the chariots of Dionysius at the great games of Greece and of Sicily.

He fortifies and enlarges Syracuse.

Every strong and able government, however oppressive, is yet sure to accomplish some works at once magnificent and useful; and thus the extended walls of Syracuse, which included the whole slope of Epipolæ to its summit, in addition to the older city which the Athenians had besieged, were the work of Dionysius. These were built [36] under the terror of a

[33] Diodorus, XV. 14. Strabo calls it the temple of Ilithyia, or Lucina; and adds, that Dionysius plundered it in the course of an expedition to Corsica. V. 2, § 8, p. 226.

[34] Diodorus, XV. 13.

[35] Strabo, V. 1, § 4, p. 212.

[36] Diodorus, XIV. 18. 41, 42.

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Carthaginian invasion; and his docks for two hundred ships, or, according to other accounts, for a far greater number, were constructed at once for defensive and offensive war against the same enemy. His works in the island of Ortygia had an object more directly selfish. This oldest and strongest part of the city of Syracuse, which had originally constituted the whole city, was now, since the town had spread over the adjacent parts of the main land of Sicily, come to be regarded as the citadel. Here Dionysius fixed his residence[37], and built a strong wall to cut off its communication with the rest of Syracuse; he also appropriated it exclusively to his own friends and his mercenary soldiers, allowing no other Syracusan to live in it. For the same reasons under the Roman government, the island was the residence of the Roman prætor and his officers[38], and the Syracusans were still forbidden to inhabit it.

II. FOREIGN AFFAIRS. Wars with Carthage and the Italian Greeks.

Dionysius had owed his elevation to the terror inspired by the arms of Carthage; and the great service which he rendered to Greece and to the world, was his successful resistance to the Car-

[37] Diodorus, XIV. 7. Those who understand the nature of the Greek citadels, that they always contained the temples of the peculiar gods of the people, and therefore were always the oldest part of the city, will understand that Epipolæ could not have been, according to Greek notions, the citadel of Syracuse. On the other hand, the strength of the island of Ortygia well fitted it for purposes of security; and although its walls were washed by both harbours, yet we may be sure that it was at no time the residence of the poorest classes, such as composed the seamen of the state, but was appropriated to the oldest and wealthiest families.

[38] Cicero, Verres, V. 32. He calls the island, "Locus quem vel pauci possint defendere."

thaginian power, and opposing a barrier to their conquest of Sicily. The very difficulty of his task, and the varied fortune of his wars, show plainly that had Syracuse been under a less powerful government, it must have shared the fate of Selinus and of Agrigentum. We do not know the causes which seem to have roused the Carthaginians to such vigorous activity against the Sicilian Greeks, immediately after the destruction of the Athenian armament. Had that great expedition been successful at Syracuse, it was designed to attempt the conquest of the Carthaginian dominions[39] and even of Carthage itself; and the Carthaginians are represented by Hermocrates[40] as living in constant dread of the power and ambition of Athens. Yet four or five years afterwards we find them sending out to Sicily so large a force, that they might well have defied the hostility of the Athenians; and the conquest of Selinus, Himera, and Agrigentum, proved to the Syracusans that they were again incurring the danger, from which they had been delivered about eighty years before by Gelon's great victory of Himera.

First treaty of Dionysius with Carthage.

In his first attempts to check the progress of the Carthaginians, Dionysius was unsuccessful. He was glad to conclude a peace with them, by which they were to retain possession of their own colonies, and of the Sicanian tribes in the west of Sicily. The survivors[41] of the people whom they had recently

[39] So Alcibiades told the Spartans; Thucyd. VI. 90, and added, ταῦτα μὲν παρὰ τοῦ ἀκριβέστατα εἰδότος, ὡς διενοήθημεν, ἀκηκόατε.

[40] Thucyd. VI. 34.

[41] Diodorus, XIII. 114.

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conquered, of Himera, Selinus, and Agrigentum; as also the inhabitants of Gela and Camarina, who had abandoned their homes during the war, and had fled first to Syracuse, and afterwards to Leontini, might now, it was stipulated, return to their own countries and live in peace; but they were to pay a tribute to the Carthaginians, and were to live only in open villages, their cities were to remain dismantled and desolate. In the east of the island, Messana, Leontini, and all the Sikelian tribes, were to be independent; these last were the old enemies of the Syracusans, and the Carthaginians naturally, therefore, made this stipulation in their favour. Thus Dionysius was left master of Syracuse alone; stripped of its dominion over the Sikelians, stripped of its old allies, the other Dorian cities of Sicily; while the dominion of Carthage, which a few years before had been confined to three settlements at the western corner of the island, was now advanced almost to the eastern coast, and by means of the Sikelian tribes, whose independence had been just secured, it hemmed in, and in a manner overhung, the scanty territory which was still left to Syracuse.

He prepares to break it.

This treaty was concluded in the last year of the Peloponnesian war, according to the chronology of Diodorus. It was virtually no more than a truce, delaying the decision of the quarrel between the two contracting parties, till one of them should be in a better condition to resume it. Dionysius had been crippled by his military disasters, and the Carthaginians were suffering from a pestilence which was at

this time fatally raging in Africa. No sooner then was the peace concluded, than Dionysius began to undo its work. It had declared the Sikelian tribes independent; he found, or made a pretence for attacking them [42]; it had stipulated for the independence of Leontini; he compelled the inhabitants to leave their city [43], and to come and dwell as citizens in Syracuse. He also destroyed the Chalcidian cities of Naxos and Catana [44], and sold their inhabitants for slaves. He cultivated the friendship of Messana, Rhegium [45], and the Greek towns of Italy; with Locri in particular he established a right of intermarriage, and he availed himself of it to take a Locrian lady as his own wife. He was busy in making arms and artillery [46] for the use of his armies, and in building ships, and arsenals to receive and fit them out becomingly. And after all his preparations were completed, finding that the pestilence was still raging in Africa [47], he determined to declare war against Carthage. This was in the fourth year of the ninety-fifth Olympiad, about eight years after the conclusion of the last treaty.

Dionysius had chosen his own time; the plague had weakened the Carthaginians, and the declaration of war against them, unexpected as it was, was preceded by a general plundering of their property [48], and a massacre of their citizens in all the Greek

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[42] Diodorus, XIV. 7. 14.
[43] Diodorus, XIV. 15.
[44] Diodorus, XIV. 15.
[45] Diodorus, XIV. 44.
[46] Diodorus, XIV. 41.
[47] Diodorus, XIV. 45.
[48] Diodorus, XIV. 46.

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cities of Sicily. Dionysius marched immediately towards the Carthaginian territories; the forces of the several Greek cities joined him as he advanced; and he laid siege to the city and island of Motya[49], one of the three settlements which Carthage possessed in Sicily[50] before her conquest of Selinus. Motya was one of a group of small islands which lie off the western coast of Sicily, immediately to the north of Marsala or Lilybæum. It is about a mile and a half in circumference[51], and about three quarters of a mile from the main land, with which it was connected by a narrow artificial causeway. Like Tyre and Aradus in point of situation, it was like them flourishing and populous; and its inhabitants, being themselves of Phœnician blood, were zealous in their resistance to the Greek invader. Attacked by an overwhelming force[52], and seeing their walls breached, and their ramparts swept, by engines and an artillery such as had never before been equalled, they did not yield even when the enemy had forced his way into their city, but availed themselves of their narrow streets and lofty houses to dispute every inch of his progress. The Greeks then brought up their moveable towers, which had been built to match the height of the houses, and from these they threw out bridges to the roofs, and thus endeavoured to board the enemy. Day after day this bloody struggle continued; the Greek trumpets regularly sounding a retreat when

[49] Diodorus, XIV. 47.
[50] Thucydides, VI. 2.
[51] See Captain Smyth's Memoir on Sicily.
[52] Diodorus, XIV. 48—53.

night fell, and calling off their combatants; till at length Dionysius turned this practice to his account, and as soon as the trumpets sounded as usual, and the Phœnicians supposed that the contest was at an end till the next day, he sent in a party of picked men, who, before the enemy suspected their design, had established themselves in a commanding situation from which they could not be dislodged again. Then the whole Greek army poured into the town by the moles or dykes which they had thrown across from the main land to the shore of Motya, and the place was taken by storm. Neither age nor sex were spared by the conquerors; a few only of the inhabitants saved their lives by running to the temples of those gods whom the Greeks honoured in common with the Carthaginians, and these were afterwards sold for slaves. The whole plunder of the town was given to the victorious soldiers.

Dionysius attacks the Sicilian allies of Carthage.

While the siege of Motya was going on, Dionysius had employed a portion of his army in endeavouring to reduce the remaining colonies or allies of Carthage. The Sicanian tribes [54], who were the principal inhabitants of the interior in the west of Sicily, submitted without opposition. But five places held out resolutely: Soloeis and Panormus, both of them, as well as Motya, Phœnician settlements; Egesta, whose quarrel with Selinus first brought the Athenians into Sicily, and afterwards the Carthaginians; Entella, and Halicyæ. It was in vain that Dionysius

[54] Diodorus, XIV. 48—54.

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ravaged their lands, destroyed their fruit trees, and attacked their towns; they remained unmoved in their fidelity: and even after the fall of Motya, when the Greek power seemed so irresistible that the people of Halicyæ then at last submitted to it, yet the other four still held out; and when Dionysius again ventured to besiege Egesta, the inhabitants sallied by night and set fire to his camp, and obliged him to abandon his enterprise with loss.

Great Carthaginian expedition to Sicily.

Here ended the circle of Dionysius' glory. The Carthaginians[55], provoked by the suddenness of his attack, by his having taken advantage of their distressed condition, and by the inveteracy with which the Greeks were pursuing all of their name and race, were roused to extraordinary exertion. An immense army was raised of Africans and Spaniards; but the Gauls, so constantly employed in the Punic wars, had not yet crossed the Alps, or become known to the civilized nations of the south; so that there were none of them in the armament now collected for the invasion of Sicily. As it was, however, the Carthaginian force was estimated by Timæus at 100,000 men, and it was commanded by Imilcon, the supreme military chief of the Commonwealth. The expedition landed at Panormus, and every thing gave way before it. Motya was instantly recovered; the Sicanians left Dionysius to join their old friends the Carthaginians; Dionysius himself retreated upon Syracuse; and the seat of war was removed almost

[55] Diodorus, XIV. 54, 55.

instantaneously from the western to the eastern extremity of the island, from Motya and Egesta to Syracuse.

The Carthaginians besiege Syracuse.

Imilcon advanced [56] along the northern coast towards Messina, being anxious to possess that important place, and so intercept any succours which might be sent to the aid of Dionysius, either from the Greek states of Italy, or from Greece itself. He took Messina, defeated the Syracusans in a sea-fight off Catana, and then, being completely master of the field, he proceeded to lay siege to Syracuse by sea and land; his ships occupied the great harbour, while with his army he held all the most important points on shore: the headland of Plemyrium, which forms the southern side of the great harbour, the temple of Olympian Jupiter on the right bank of the Anapus, and the suburb of Neapolis, just without the walls of Acradina, and under the cliffs of Epipolæ. The position of Epipolæ itself, which the Athenians had at first occupied with so much effect, and which they afterwards neglected to their ruin, was now secured against an enemy by the walls lately carried round its whole extent by Dionysius.

Critical state of the Greek power in Sicily.

Thus the Greek power in Sicily was reduced as it were to one little spark, which the first breath seemed likely to extinguish; but on its preservation depended the existence of Rome and the fate of the world. Had Carthage become the sovereign of all Sicily, her power, in its full and undecayed vigour,

[56] Diodorus, XIV. 57—63.

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must have immediately come into contact with the nations of Italy; and the Samnite wars of Rome might have ended in the destruction of both the contending nations, when their exhausted strength had left them at the mercy of a powerful neighbour. But this was not to be, and Dionysius was inspired with resolution to abide the storm, that so he might fulfil that purpose of God's providence which designed the Greek power in Sicily to stand as a breakwater against the advances of Carthage, and to afford a shelter to the yet unripened strength of Rome.

Dionysius proposes to escape from Sicily.

The condition of Dionysius seemed desperate. Blockaded by sea and land, with a people impatient of his despotism, with a force of mercenaries, who, the moment that he became unable to pay them, might betray him, either to the enemy without the walls, or to his political adversaries within; he held a council with his friends in the citadel, and expressed his purpose of leaving Syracuse to its fate, and attempting to effect his own escape by sea. One of them boldly answered [57], "A king's robe is a noble winding-sheet." At these words the spirit of Dionysius rose within him, and he resolved to live or die a king.

The Carthaginian armament crippled by an epidemic sickness.

But his deliverance was effected by another power than his own. The spots where the small Sicilian rivers make their way into the sea, are during the summer notoriously unhealthy: a malaria fever is almost the certain consequence of passing a single

[57] Καλόν ἐστιν ἐντάφιον ἡ τυραννίς. Isocrates, Archidamus, § 49, p. 125.

night in any village so situated. The shore near the mouth of the Anapus, and the marshy plain immediately behind it, would be absolutely pestilential to an army quartered there during the heats of summer; and the Athenians, when besieging Syracuse seventeen years before, had severely suffered from its influence[58]. But now the season was unusually hot, and from the prevalence of epidemic disease in Africa about this period, it is likely that the constitutions of many of the Carthaginian soldiers would be more than usually susceptible of infection. Accordingly[59], the disorder which broke out in the besieging army more resembled the most malignant pestilence than any ordinary form of marsh or malaria fever. The patients were commonly carried off in five or six days; and the disease was either really so contagious, or was imagined to be so, that no one dared to visit the sick, or to pay them the most necessary attentions: and thus all who were taken ill were left to die without relief.

Dionysius destroys their fleet.

This visitation broke both the power and the spirit of the Carthaginians. Dionysius[60] now made a sally, and attacked them both by sea and land. He carried their post at the temple of the Olympian Jupiter, and that at Dascon, at the very bottom of the harbour, on the right of the Anapus, where the Athenians first effected their landing. Here he found their ships drawn up on the beach, and he instantly set fire to them. Meanwhile the Syracusan

[58] Thucydides, VII. 47.
[59] Diodorus, XIV. 70, 71.
[60] Diodorus, XIV. 72—75.

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fleet advanced right across the harbour, and surprised the enemy's ships before they could be manned and worked out from the shore to offer battle. Thus taking them at a disadvantage, the Greeks sunk or shattered them without resistance, or surrounded them and carried them by boarding. And now the flames began to spread from the ships on the beach to those which lay afloat moored close to the shore. These were mostly merchant ships, worked by sails like ours, and consequently, even while at anchor, they had their masts up and their standing rigging. As the flames caught these and blazed up into the air, the spectacle afforded to the Syracusans on their walls was most magnificent. The crews of the burning ships leaped overboard, and left them to their fate; their cables were burnt, and the blazing masses began to drift about the harbour, and to run foul of one another; while the crackling of the flames, and the crashing of the falling masts and of the sides of the ships in their mutual shocks, heard amidst volumes of smoke and sheets of fire, reminded the Syracusans of the destruction of the giants by the thunder of Jove, when they had assayed in their pride to storm Olympus[61].

Rejoicings of the Syracusans.

Thus called, as they thought, by the manifest interposition of Heaven to finish the work, the very old

[61] Diodorus, XIV. 73. This whole description seems to have been taken from the history of Philistus, who was probably an eye-witness of the scene: so that the comparison is not to be regarded as the mere flourish of a writer, far removed in time and space from the action which suggested it, but as one which really arose in the minds of the Syracusans, amidst the excitement and enthusiasm of the actual spectacle.

men and boys of Syracuse could bear to look on idly from their walls no longer, but getting into the large punts or barges[62] which were ordinarily used for ferrying men and cattle across the harbour, they put out to sea, to save and capture such of the enemy's ships as the fire had not yet destroyed. But the walls were crowded with fresh spectators; for as the report of the victory became more and more decided, the women, children, and slaves, all poured out from their houses, and hastened to enjoy with their own eyes the sight of this wonderful deliverance. When the day was over, the Carthaginian naval force was almost utterly destroyed, while Dionysius encamped on the ground which he had won near the temple of Olympian Jupiter, having the remnant of the besieging army shut in between his position on one side, and the walls of Syracuse on the other. CHAP. XXI.

But Imilcon had no hope of continuing the contest with success any further. He offered all the treasure in his camp, amounting to three hundred talents, to purchase the unmolested retreat of the remainder of his armament. "This," said Dionysius, "cannot be granted; but I will consent that the native Carthaginians shall be allowed to escape by night to Africa, stipulating nothing for their subjects and Retreat of the Carthaginians.

[62] Τὰ πορθμεῖα. Diodorus, XIV. 74. This is one of the touches which seem to argue that the writer of the description was at any rate a Syracusan, familiar with the harbour of Syracuse. No explanation is given by him, because the use of these πορθμεῖα was to him so familiar, that he could not fancy that any was requisite.

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allies." He foresaw that if the head were thus taken from the body, the body would instantly fall into his power; and he was not sorry to impress the Africans, Iberians, and Sikelians, with a strong sense of the selfish arrogance of the Carthaginians, who thinking only of themselves, abandoned their allies to destruction without scruple. Accordingly, when the Carthaginians had escaped, the rest of the armament attempted to provide as they could for their own safety. The Sikelians and Africans were obliged to lay down their arms, after the former had endeavoured in vain to make good their retreat to their own country; but the Iberians held together, and made so formidable a show of resistance, that Dionysius readily listened to their proposals of entering into his service. They became a part of his mercenary army; and while they helped to secure his power against his domestic enemies, they also added to the glory of his arms abroad: and in the strange vicissitudes of human fortune, these same Iberians, who had been enlisted in Spain, taken thence to Africa, and afterwards had crossed the sea to Sicily as invaders, were, some years later, sent over from Sicily to Greece [63], as a part of the auxiliary force sent by Dionysius to aid the Lacedæmonians; and fought with distinction in Laconia under the eye of Agesilaus, against the invading army of Epaminondas.

State of the Carthaginian power in Sicily.

Thus was Dionysius saved from imminent ruin, and the Greek power in Sicily was preserved. His

[63] Xenophon, Hellenic. VII. 1. § 20.

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subsequent wars with Carthage were of no importance; for amidst much variety of fortune in particular engagements, the relations of the two states were never materially altered; the Carthaginians remained masters of all the western part of the island, while the eastern part continued to be under the dominion of Dionysius.

Dionysius prepares to attack the Italian Greeks.

After the destruction of this great armament, Dionysius felt himself able to carry on his plans of conquest against the Greeks of Italy. One of his first measures was to people the important city of Messana. The remains of the old citizens, who had been driven out by the Carthaginians, returned to their home after Imilcon's defeat; but their numbers were so thinned that Dionysius added to them a large body of new citizens from Locri on the Italian coast, his old and firm ally, and from a Locrian colony[64], Medama, on the Tyrrhenian Sea, which had probably been lately conquered by the Lucanians. With these there were at first joined some exiles from old Greece, of the race of the old Messenians; but afterwards, to satisfy the jealousy of Lacedæmon, they were removed from Messana, and founded for themselves the new city of Tyndaris[65].

Battle of the Helleporus, and

The principal object of Dionysius' hostility among the Greek cities of Italy was Rhegium. The Rhe-

[64] Diodorus, XIV. 78. The present reading in the text of Diodorus is Μεδιμναίους, for which Cluverius has conjectured Μεδμαίους. Μεδαμαίους would be still nearer the present reading, and Μέδαμα is the name of the city in Strabo, VI. I. § 5, p. 256, and, it is said, on one of its coins. Medama, or Mesma, is described as a Locrian colony by Strabo, in the passage above quoted, and by Scymnus Chius, V. 307.

[65] Diodorus, XIV. 78.

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conquest of Rhegium.

gians had favoured his political adversaries, and had personally affronted him by refusing to allow him the right of intermarriage with their citizens. But his ambition led him to desire the dominion of all the coast of Italy on the Ionian Sea; and he entered into a league with the Lucanians, as has been already mentioned, hoping that they might exhaust the Greek cities, by their constant plundering warfare, and that he might then step in to reap the harvest. His defeat of the combined army of the Italian Greeks on the banks of the Helleporus [66], and his conquest of Rhegium [67], Caulon [68], and Hipponium [69], are the principal events of this contest. He enlarged Syracuse, by removing thither the whole or a great part of the population of the conquered cities; and his increased power and influence on the Italian coast facilitated those farther plans of aggrandizement which have been already noticed, his settlements at Issa and Lissus, and on the coast of Picenum, his alliance with the Illyrians, and his trade in the Adriatic.

Dionysius sends chariots to the Olympian games, and wins the prize of tragedy at Athens.

Thus powerful at home and abroad, and possessing a far greater dominion than any prince or state in old Greece, Dionysius yet felt that Greece was as it were the heart and life of the civilized world, and that no glory would be universal or enduring unless it had received its stamp and warrant from the genius of Athens. He sent chariots to Olympia, to

[66] Polybius calls the river "Eleporus," I. 6. Diodorus calls it "Helorus," XIV. 104. I suspect that the true reading in Polybius would be "Helleporus."

[67] Diodorus, XIV. 3.

[68] Diodorus, XIV. 106.

[69] Diodorus, XIV. 107.

contend for the prize at the Olympic games[70]; he sent over also rhapsodists, most eminent for the powers of their voice and the charm of their recitation, to rehearse his poems; and he was repeatedly a candidate for the prize of tragedy at Athens. Alexander, indeed, scorned to contend for victory at the Olympic games unless kings could be his competitors; but in such matters there was a wide difference between a king and a tyrant, between the descendant of a long line of princes[71], sprung from Hercules, the son of Jove, and the humble citizen of Syracuse, whom his fortune had unexpectedly raised to greatness. There is a story that the public feeling at Olympia was so strong against Dionysius as a tyrant[72], that the tents of his theori, or deputies to the Olympic assembly, were plundered, and the recitation of his verses drowned amidst the clamour and hisses of the multitude. But whether this be true or false, we know that at Athens his tragedies were by no means regarded as contemptible; he gained on different occasions the second and third prizes, and at last his tragedy entitled, "Hector ransomed[73]," was judged worthy of the highest prize.

His intercourse with Isocrates and Plato.

This evident desire of intellectual fame, united with the powers of earning it, tempted the philosophers of Greece to believe that they should find in

[70] Diodorus, XIV. 109.

[71] In an earlier age, however, an ancestor of the great Alexander, the Macedonian king of the same name, who reigned during the Persian invasion, was anxious to be admitted as a competitor for the prize at the Olympic games, even in the foot-race, and he ran accordingly in the stadium. See Herodotus, V. 22.

[72] Diodorus, XIV. 109.

[73] Diodorus, XV. 74.

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Dionysius a man who could sympathize with them in spite of his political greatness, and would rejoice to associate with them on equal terms. Plato visited Syracuse[74], and Isocrates[75], at a safer distance, addressed to Dionysius a letter of compliment from Greece. As long as they remained on the opposite shores of the Ionian Sea, the philosopher and the tyrant might correspond with each other without offence. But many are the stories which show the folly of supposing that an equality of mind can triumph over the differences of rank and power. No man can associate freely with another, when his life is at the mercy of his companion's caprice. Plato soon returned to Greece, with a lesson from some of the philosophers of Syracuse, "that men of their profession would do well either to shun the society of tyrants[76], or else in their intercourse with them, to study how they could please them most." This advice is said to have been occasioned by a practical lesson given to Plato by Dionysius, which ought to have rendered it superfluous; the story ran, that the tyrant was so offended with something that Plato had said, that he sent him forthwith to the slave-market, and had him sold as a slave, but that the philosophers immediately redeemed him by a general subscription amongst themselves, and then urged

[74] Diodorus, XV. 7.

[75] Whether the letters professing to be written from Isocrates to Dionysius and Philip of Macedon, and published at the end of his orations, are genuine, may well be doubted; although the fact of his having corresponded with them may be true notwithstanding.

[76] Diodorus, XV. 7. Δεῖ τὸν σοφὸν τοῖς τυράννοις ἢ ὡς ἥκιστα ἢ ὡς ἥδιστα ὁμιλεῖν.

him to quit Sicily. A similar story is told of the poet Philoxenus, whom Dionysius is said to have sent from his own table to his prisons in the quarries, because he had expressed an unfavourable opinion of the tyrant's poetry. These stories may deserve but little credit for the particular facts; yet the intercourse between Frederick of Prussia and Voltaire was interrupted in a similar manner, and the presumption of literary men on the one hand, and the pride of rank and power on the other, are likely to lead to such results.

His private life.

That the despot of Syracuse should not scruple to send a poet to the quarries and to sell a philosopher in the slave-market, is nothing wonderful. We may be more unwilling to believe the reports of the state of miserable fear to which suspicion could reduce one so able and so daring as Dionysius. "He could trust no man," it was said[77], "but a set of miserable freedmen, and outcasts, and barbarians, whom he made his body-guard. He fenced his chamber with a wide trench, which he crossed by a drawbridge; he never addressed the Syracusan people but from the top of a high tower, where no dagger could reach him; he never visited his wives without having their apartments previously searched, lest they should contain some lurking assassin; nay, he dared not allow himself to be shaved by any hands except his own daughters'; and even them he was afraid to entrust with a razor; but taught them how to singe

[77] Cicero, Tusculan. Disputat. V. 20.

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off his beard with hot walnut shells." Much of this is probably exaggeration, but the Greek tyrants knew that to kill them was held to be no murder; and it is no shame to Dionysius, if his nerves were overcome by the hourly danger of assassination, a danger which appalled even the iron courage of Cromwell.

Peculiar character of the ancient tyrannies.

The Greeks had no abhorrence for kings: the descendant of a hero race, ruling over a people whom his fathers had ruled from time immemorial, was no subject of obloquy, either with the people or with the philosophers. But a tyrant, a man of low or ordinary birth, who by force or fraud had seated himself on the necks of his countrymen, to gorge each prevailing passion of his nature at their cost, with no principle but the interest of his own power, such a man was regarded as a wild beast, that had broken into the fold of civilized society, and whom it was every one's right and duty by any means, or with any weapon, presently to destroy. Such mere monsters of selfishness, Christian Europe has rarely seen. If the claim to reign by "the grace of God" has given an undue sanction to absolute power, yet it has diffused at the same time a sense of the responsibilities of power, such as the tyrants, and even the kings of the later age of Greece, never knew. The most unprincipled of modern sovereigns would yet have acknowledged, that he owed a duty to his people, for the discharge of which he was answerable to God; but the Greek tyrant regarded his subjects as the mere instruments of his own gratification;

fortune, or his own superiority, had given him extraordinary means of indulging his favourite passions, and it would be folly to forego the opportunity. It is this total want of regard for his fellow-creatures, the utter sacrifice of their present and future improvement, for the sake of objects purely personal, which constitutes the guilt of Dionysius and his fellow-tyrants. In such men all virtue was necessarily blighted; neither genius, nor courage, nor occasional signs of human feeling, could atone for the deliberate wickedness of their system of tyranny. Brave and able as Dionysius was, active, and temperate, and energetic, he left behind him no beneficial institutions; he degraded rather than improved the character of his countrymen; and he has therefore justly been branded with infamy by the accordant voice of his own and of after-ages; he will be known for ever as Dionysius the tyrant.

CHAPTER XXII.

CARTHAGE—BARBARIANS OF WESTERN EUROPE—EAST OF EUROPE—GREECE—MACEDONIA—ILLYRIA.

"Cæterum—qui mortales initio coluerint, indigenæ an advecti, parum compertum."—TACITUS, Agricola, 11.

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Difficulties of ancient history.

THE enlarged researches of our own times, while they make us more sensible of the actual extent of our ignorance, yet encourage us with the hope that it will gradually be diminished. But he who attempts to write history, in the interval between this awakened consciousness of the defects of our knowledge, and that fuller light which may hereafter remove them, labours under peculiar disadvantages. A reputation for learning was cheaply gained in the days of our fathers, by merely reading the works of the Greek and Roman writers, and being able to repeat the information which they have communicated.

But now we desire to learn, not what existing accounts may have recorded of a people or a race, but what that people or race really was, and did; we wish to conceive a full and lively image of them, of their language, their institutions, their arts, their

morals; to understand what they were in themselves, and how they may have affected the fate of the world, either in their own times, or in after-ages. These, however, are questions which the ancient writers were often as unable to answer as we are; happier, it may be thought, than we in this, that they had no painful consciousness of ignorance. To repeat what the Greek and Roman writers have left on record of Carthage, and its dominion in Spain and Africa, would be an easy task, but at the same time most unsatisfactory. We look around for other witnesses, we question existing languages, and races, and manners, in the hope of gleaning from them some fuller knowledge of extinct nations than can be gained from the scanty accounts of foreigners or enemies.

CARTHAGE.

The internal state of Carthage may fitly be reserved for a later period of this history. It will be enough now to fill up, so far as I can, that sketch of her dominion and foreign relations which has been begun in some measure in the two preceding chapters.

Extent of the Carthaginian dominion in Africa.

In the middle of the fourth century before the Christian era, the Carthaginians possessed the northern coast of Africa, from the middle of the greater Syrtis to the Pillars of Hercules, a country reaching from 19 degrees east longitude, to 6 degrees west; and a length of coast which Polybius[1] reckoned at above sixteen thousand stadia. But unlike the com-

[1] Polybius, III. 39.

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pactness and organization of the provinces of the Roman empire, this long line of coast was for the most part only so far under the dominion of the Carthaginians, that they possessed[2] a chain of commercial establishments along its whole extent, and with the usual ascendancy of civilized men over barbarians, had obliged the native inhabitants of the country, whether cultivators of the soil or wandering tribes, to acknowledge their superiority. But in that part where the coast runs nearly north and south, from the Hermæan headland, or Cape Bon, to the lesser Syrtis, they had occupied the country more completely. This was one of the richest tracts to be found[3]; and here the Carthaginians had planted their towns thickly, and had covered the open country with their farms and villas. This was their περιοικὶς, the immediate domain of Carthage, where fresh settlements were continually made as a provision for the poorer citizens[4]; settlements prosperous indeed and wealthy, but politically dependent, as was always the case in the ancient world; insomuch that the term περίοικοι, which in its origin expressed no more than "men who dwelt, not in, but round about a

[2] Ὅσα γέγραπται πολίσματα ἢ ἐμπόρια ἐν τῇ Λιβύῃ ἀπὸ τῆς Σύρτιδος τῆς παρ' Ἑσπερίδας μέχρι Ἡρακλείων στηλῶν ἐν Λιβύῃ πάντα ἐστὶ Καρχηδονίων. Scylax, Periplus, p. 51, 52. Ed. Hudson.

[3] Polybius, III. 23. Diodorus, XX. 8. Scylax, p. 49.

[4] Aristotle, Politica, VI. 5. Within the last ten years an exact image of the relation of the ancient περίοικοι to their πόλις, and of the irritation occasioned by it, has been exhibited to the notice of Europe on more than one occasion in Switzerland. Liechstal was one of the περιοικίδες of Basel; and the disputes between the citizens of Basel and the inhabitants of Liechstal and the other country towns, seemed, to those familiar with ancient history, like a revival of the political relations of Lacedæmon and Carthage.

city," came to signify a particular political relation, theirs, namely, who enjoyed personal freedom, but had no share in the government of their country.

Phœnician colonies in Africa.

Distinct from these settlements of the Carthaginians themselves, were the sister cities of Carthage, founded immediately like herself by the Phœnicians of Tyre and Sidon, although her fortune had afterwards so outgrown theirs. Amongst these Phœnician colonies were Utica[5], more famous in Roman than in Carthaginian history, Adrumetum[6], the two cities known by the name of Leptis, situated, the one near the western extremity of the great Syrtis, and the other on the coast between the lesser Syrtis and the Hermæan headland, and Hippo, a name so closely connected in our minds with the piety and energy of its great bishop, Augustine. These were the allies of Carthage, and some of them were again at the head of a small confederacy of states[7], who looked up to them for protection, as they in their turn looked up to Carthage. They enjoyed their own laws, and were independent in their domestic government; but in their foreign relations they found, in common with all the weaker states of the ancient world, that alliance with a greater power ended sooner or later in subjection.

Condition of the African subjects of Carthage.

The Phœnician colonists, who founded Carthage, at first paid[8] a tribute to the native Africans on

[5] Justin, XVIII. 4.

[6] Sallust, Bell. Jugurth. 22. 80.

[7] In the second treaty between Rome and Carthage, the contracting parties on the one side are, "the people of Carthage, the people of Tyre, and the people of Utica, *with their allies*." Polybius, III. 24.

[8] Justin, XVIII. 5.

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whose land they had settled, as an acknowledgment that the country was not their own. But in process of time they became what the Europeans have been in later times in India, no longer dependent settlers, but sovereigns; and the native Africans, driven back from the coast, and confined to the interior, were reduced to the condition of strangers on their own soil. They understood and practised agriculture, but we know not how far they were allowed to retain the property of the land, or to what extent the rich Carthaginians had ejected them, and employed them as tenants and cultivators of the soil of which they had been once proprietors. At any rate, the Africans were in the condition of a Roman province; they[9] were ruled despotically by the Carthaginian officers sent amongst them, and were subject to taxes, and to a conscription of their youth to serve as soldiers, at the discretion of their governors. In the first Punic war, they were taxed to the amount of fifty per cent. on the yearly produce of their land, and the oppression to which they were subjected made them enter readily and zealously into the quarrel of the mercenary soldiers, during their famous war with the Carthaginians.

Differences between the situation of Carthage and Rome with respect to their subjects and allies.

The contrast between Carthage exercising absolute dominion over her African subjects, and Rome surrounded by her Latin and Italian allies, and gradually communicating more widely the rights of citizenship, so as to change alliance into union, has

[9] Polybius, I. 72.

been often noticed, and is indeed quite sufficient to account for the issue of the Punic wars. But this difference was owing rather to the good fortune of Rome and to the ill fortune of Carthage, than to the wisdom and liberality of the one and the narrow-mindedness of the other. Rome was placed in the midst of people akin to herself both in race and language; Carthage was a solitary settlement in a foreign land. The Carthaginian language nearly resembled the Hebrew; it belonged to the Semitic or Aramaic family. Who the native Africans were, and to what family their language belonged, are among the most obscure questions of ancient history. But it is one of the consequences of that wider view of the connexion of races and languages which we have learnt of late to entertain, that the statements to be found in the traditional or mythic reports of the origin of nations appear in some instances to contain in them a germ of truth, and we do not venture, as formerly, to cast them aside as mere fables. Thus in that strange account of the peopling of Africa which Sallust[10] copied from Carthaginian books, the stream of migration is described as having poured into northern Africa at its western, not at its eastern extremity, by the straits of Gibraltar, not by the isthmus of Suez and by Egypt. And we read that the invaders were Medians and Persians, who had marched through Europe into Spain, as a part of the great army of Hercules. They

[10] Bell. Jugurthin. 20. Uti ex libris Punicis, qui regis Hiempsalis dicebantur, interpretatum nobis est.

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found the north of Africa possessed by an older race of inhabitants, the Gætulians and Libyans, of whose origin no account is given. But the story of the expedition of Hercules, and of the Medians and Persians[11] following in his army, and entering Africa by crossing over thither from Spain, may at least lead us to inquire whether any affinity can be traced between the language of the Berbers, the descendants of the ancient Mauritanians, and that of the Basques, the descendants of the old Iberians; and whether the languages of the native tribes of North Africa, whether agricultural or wandering, may not be supposed to have belonged either wholly or in part to the Indo-Germanic family, rather than to the Semitic. These are the points in which we are standing half way between the equally extreme credulity and scepticism of the last two centuries, and that fuller knowledge which may be the portion of our posterity. But whatever may be discovered as to the African subjects of Carthage, they were become so distinct from their masters, even if they were originally sprung from a kindred race, that the two people were not likely to be melted together into one state; and thus they remained always in the unhappy and suspicious relation of masters and of slaves, rather than in that of fellow-citizens or even of allies.

[11] The Sigynnæ, a people whom Herodotus describes, V. 9, as living beyond the Danube, that is, in what is now Hungary, were said by some, he tells us, to have been a colony of the Medes, at which he naturally wonders. It is so difficult, in these stories, to distinguish what is mere confusion or invention from what contains a germ of truth, under more or less of disguise.

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Colonies of the Afro-Phœnicians, or people of half-caste.

The dominion of Carthage in Africa, as it resembled in many other respects that of the British in India, had produced also, as in our Indian empire, a numerous half-caste population, sprung from intermarriages between the Carthaginians and the native Africans. This mixed race was known by the name of Liby or Afro-Phœnicians [12]; but whether they were regarded by Carthage as a source of strength, or suspected as dangerous enemies, we have no sufficient information to determine. Perhaps they were thought to be dangerous at home, but useful and trustworthy abroad; and thus they were sent as colonists to Spain [13], and to the more remote parts of the coast of Africa, without the Pillars of Hercules, just as the poorer citizens of Carthage itself were sent, as we have seen, to settlements nearer home. If we can trust the text and the authenticity of the Greek version now existing of the voyage of Hanno, these Afro-Phœnician colonies were planted on a very large scale; for that voyage was undertaken for the purpose of settling no fewer than thirty thousand Afro-Phœnicians [14] along the shore of the Atlantic, southward of the straits of Gibraltar.

Iberia, or Spain: Phœnician colony of Gadir or Gades.

In the seventh century before the Christian æra, a Samian ship [15] bound for Egypt was caught in a violent storm, with the wind blowing strongly from the east. The ship was carried altogether out of her course, the wind continued to blow from the east,

[12] Polybius, III. 33.
[13] Scymnus Chius, V. 195, 196.
[14] Hanno, Periplus, p. 1. Ed. Hudson.
[15] Herodotus, IV. 152.

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and at last she was actually driven through the Pillars of Hercules, and the first land which she succeeded in making was the coast of Tartessus, or Tarshish, the south-western coast of Spain. The Samians found that the storm had proved their best friend; they returned home enriched beyond all their hopes, for the port of Tarshish, says Herodotus, was at that time fresh [16] and undisturbed; the gold of its neighbouring mines was a treasure not yet appreciated by its possessors; they bartered it to the Samian strangers, in return for the most ordinary articles of civilized living, which barbarians cannot enough admire. This story makes us feel that we are indeed living in the old age of the world. The country then so fresh and untouched has now been long in the last state of decrepitude: its mines, then so abundant, have been long since exhausted; and after having in its turn discovered and almost drained the mines of another world, it lies now like a forsaken wreck on the waves of time, with nothing but the memory of the past to ennoble it. In the middle of the fourth century of Rome, the coast of Spain [17], both on the ocean and on the Mediterranean, was full of Carthaginian trading settlements; but these were mostly small, and of no great celebrity. Gadir or Gades, on the other hand, a colony founded directly from Tyre [18], had been long since famous. Here was one of the most celebrated temples of the Tyrian Hercules, and its trade and wealth

[16] Ἀκήρατον.
[17] Scylax, Periplus, p. 1.
[18] Strabo, III. prope finem.

were considerable; the neighbouring country being rich in mines, while the sea yielded an inexhaustible supply of fish, which was commonly sold in the Athenian markets as early as the Peloponnesian war [19]. But except Gades, the Greek seamen knew of no other place of importance on the coast of Spain at this period, till they came north of the Iberus, to the country which was then inhabited by the Ligurians. Here there was the Greek settlement of Emporion [20], an offshoot from the Phocæan colony of Massalia. If Saguntum was really a city of Greek or Tyrrhenian origin, founded by colonists from Zacynthus and Ardea, it seems to have retained no marks of the Greek character; it had no sea-port, and though it was itself near the coast, yet it was not of sufficient importance to attract the notice of the Greek navigators.

Native Iberians; their race and character.

The great Spanish peninsula itself, and its original inhabitants, the various tribes of the Iberian race, were as yet but little known to the rest of the world. Sicilian antiquarians [21] derived the oldest part of the population of their island, the Sicanians, from the north-eastern coast of Spain. The Iberians had for some time been accustomed to serve in the Carthaginian armies; their name occurs amongst the various nations who composed the great host of Hamilcar [22] when he invaded Sicily, in the time of Gelon, and was defeated in the famous battle of

[19] Pollux, VI. 48. Eupoli, quoted by Stephanus Byzant. in Γάδειρα.

[20] Scylax, Periplus, p. 1.

[21] Thucydides, VI. 2, following Antiochus.

[22] Herodotus, VII. 165.

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Himera. The Iberians were known to the Athenians[23] as amongst the most warlike of the barbarians of the west, whom they purposed to employ in conquering their Peloponnesian enemies, had success at Syracuse enabled them to fulfil their more remote designs; and we have seen Iberians distinguished above all the other soldiers in the same service, in the great Carthaginian expedition which Imilcon led against the tyrant Dionysius. Another circumstance removed them even more than their remarkable courage from the common mass of barbarians. Writing was common among them; and some of their tribes[24] possessed written records of their past history, not composed in verse, besides numerous poems, and

[23] Thucydides, VI. 90.

[24] Strabo, III. p. 139. Here again Niebuhr's sagacity has corrected the common reading, *νόμους ἐμμέτρους ἑξακισχιλίων ἐτῶν*, which, as he observes, would not be Greek, into *νόμους ἑξακισχιλίων ἐπῶν*.

When this page was written, I had not seen the excellent work of the lamented William Von Humboldt, "On the Earliest Inhabitants of Spain," although I was aware generally of its character, and of the conclusions which it endeavoured to establish. He considers it to be certain, that the present Basque language is substantially the same with the ancient Iberian: the names of places in the ancient geography of Spain being, for the most part, not only significant in Basque, but exhibiting in their sound, and in their omission of some letters, and their combinations of others, the peculiarities of the existing language. It appears that in the Basque country there are three distinct dialects, and that with regard to one of these nothing satisfactory had been published when Von Humboldt wrote, while the lexicon or vocabulary of another was far from perfect. I notice this, because words may exist in these dialects which may go far to establish the resemblance of the Basque language to others, or to prove its diversity; and may explain those names in the ancient geography of Spain which have not been hitherto interpreted. The Iberians, in Humboldt's judgment, were a people quite distinct from the Kelts; but they may have had the same degree of connexion with them which subsisted between all the nations of the great Indo-Germanic family. He does not believe in the Iberian extraction of any part of the inhabitants of the British islands.

large collections of laws and institutions in a metrical form, amounting, it was said, to about six thousand lines. We ourselves have in some degree a national interest in the Iberians, if it be true that colonies of their race crossed the Bay of Biscay, and established themselves on the coast of Cornwall. But their memory has almost utterly perished; we know not with what race of mankind they were connected; and although the Basque dialect, still spoken on both sides of the Pyrenees, is supposed to be a remnant of their language, yet its relation to other languages appears to have been not yet ascertained, so as to inform us to what family it belongs. It may be hoped that this, as well as the decyphering of the Etruscan monuments, may be amongst the discoveries reserved for our own generation, or for that of our children.

The Ligurians.

From the Pyrenees to the frontiers of Etruria[25], the coast of the Mediterranean was occupied by the Ligurians, a people distinguished by the Greeks both from the Iberians and from the Kelts, although they are supposed to have been connected with the latter nation in their race and language. As the Ligurians dwelt on the coast, they became known to the Carthaginians; and thus Ligurians[26] are named together with Iberians amongst the soldiers of Hamilcar's expedition to Sicily, at the beginning of the fifth century before the Christian æra. In the time of Scylax, a few years later than our present period,

[25] Scylax, p. 2. Herodotus speaks of "the Ligurians who live above Massalia." V. 9.

[26] Herodot. VII. 165.

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the Ligurians and Iberians were mixed together on the coast, between the Pyrenees and the Rhone, and the exclusive dominion of the Ligurians only extended from the Rhone to Etruria. But Thucydides mentioned it as an ascertained fact[27], that, at a very remote period they had dislodged the Sicanians from their land on the Sicanian river in Iberia, and that these, flying before their conquerors, went over and settled in Sicily. We cannot certainly tell what river is meant, nor what limits Thucydides assigned to Iberia; but a migration to Sicily, rather than to Corsica or Sardinia, becomes probable, in proportion as we place the Sicanians further to the south, and nearer to the trading settlements of the Carthaginians or Phœnicians. Perhaps the Ligurians advanced along the coast from east to west, expelling or conquering the Iberian tribes; till at last, when the force of their irruption was spent, the Iberians recovered their former country, wholly between the Iberus and the Pyrenees, and partially between the Pyrenees and the Rhone. At any rate it should be remembered, that the Iberians, and not the Kelts, were the inhabitants of the country between the Pyrenees and the Garonne and the Cevennes, as is shown even to this day, by the existence of the Basque language in the south of France no less than in Spain.

The Kelts, or Gauls: why they were as yet so little known.

It may be true, indeed, that the Kelts, or Gauls, had long before the fourth century of Rome crossed the Alps, and established themselves in that country

[27] Thucydides, VI. 2.

which now forms the Lombard portion of the Austrian dominions in northern Italy. It may be true, also, that Keltic tribes were to be found in the heart of Spain; for before civilization has asserted its power, nations, like rivers, are continually changing their boundaries, and take their own course almost at pleasure. But as the Kelts had most certainly neither crossed the Apennines, nor reached as yet the shores of the Adriatic, they had no connexion with the civilized world; the Carthaginians had no opportunity of enlisting them into their armies, nor had the Greek traders acquired any direct knowledge of them. Their name was known only through the reports of those Phœnicians[28] who navigated the Atlantic and the Bay of Biscay, on their way to the tin-mines of Britain. And this explains the strange description of their position given by Herodotus[29], "that the Kelts dwell without the Pillars of Hercules, and that they border on the Kynesians, who live the furthest to the west of all the people of Europe." This is clearly the language of some Phœnician Periplus of the western coasts of France and Spain: the Kynesians[30] must have lived on the

[28] We can trace with great distinctness the period at which the Kelts became familiarly known to the Greeks. Herodotus only knew of them from the Phœnician navigators: Thucydides does not name them at all: Xenophon only notices them as forming part of the auxiliary force sent by Dionysius to the aid of Lacedæmon. Isocrates makes no mention of them. But immediately afterwards, their incursions into central and southern Italy on the one hand, and into the countries between the Danube and Macedonia on the other, had made them objects of general interest and curiosity; and Aristotle notices several points in their habits and character in different parts of his philosophical works.

[29] II. 33. IV. 49.

[30] There is no mention of these

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coasts of Portugal, Gallicia, and Asturias; perhaps on that of Gascony and Guienne: beyond these, as the voyager pursued his course along the land, he came to the country of the Kelts, who occupied the whole coast north of the Garonne, and were very probably intermixed with the Iberian Kynesians on the coasts of Gascony and Navarre. The Greeks, when they read this account, little suspected that these same Kelts reached from the shores of the ocean inland as far as the Alps, and possibly, nearly to the head of the Adriatic; and that while they heard of them only as dwelling without the Pillars of Hercules, they were advanced in the opposite direction, almost within the ordinary horizon of Greek observation, and in a very short time would unexpectedly appear like a wasting torrent in the heart of Italy. The narrow band of coast occupied by the Ligurian and Venetian tribes, was as yet sufficient to conceal the movements of the Kelts from the notice of the civilized world. Thus immediately before that famous eruption which destroyed Herculaneum and Pompeii, the level ridge[31] which was then Vesuvius excited no suspicion; and none could imagine that there were lurking close below that peaceful surface the materials of a fiery

Kynesians, so far as I remember, in any ancient writer, except in the two passages of Herodotus quoted above. Niebuhr places them to the north, rather than to the west, of the Kelts (Kleine Histor. Schriften, p. 142); but I do not see why this is necessary. The account in the text seems sufficiently to explain the description in Herodotus.

[31] Vicina Vesevo ora *jugo*. Since the eruption no one would ever have called the top of Vesuvius a "jugum."

deluge, which were so soon to burst forth, and to continue for centuries to work havoc and desolation.

Greece: supremacy of Lacedæmon. Olynthian confederacy.

From the countries of western Europe, on which the first faint dawn of historical light had as yet scarcely broken, we turn to the heart of the civilized world, to those republics of Greece which had already reached their highest point of glory and advancement, and were now feeling the first approach of decay, like a plant when its seed is almost ripe, and ready to be shed or wafted by the winds to a distance, there to multiply the race of its parent. According to the synchronism of Polybius[32], the invasion of Rome by the Gauls took place in the same year with the conclusion of the peace of Antalcidas, that is, in the second year of the ninety-eighth Olympiad. Probably it should be placed a few years later, but at any rate it falls within the period of the Lacedæmonian supremacy in Greece, after the humiliation of Athens by the result of the Peloponnesian war, and before the rise of the power of Thebes. Never was dominion wielded by such unfit hands as those of the Spartans. Living at home under an iron system, which taught each successive generation that their highest virtue was to preserve and not to improve the institutions of their fathers, the Lacedæmonians were utterly unable to act the part of conquerors; for conquest, being the greatest of all possible changes, can only be conducted by those who know how to change wisely[33]; a conqueror who

[32] I. 6.

[33] Ἡσυχαζούσῃ μὲν πόλει τὰ ἀκίνητα νόμιμα ἄριστα· πρὸς πολλὰ δὲ ἀναγκαζομένοις ἰέναι πολλῆς καὶ τῆς ἐπιτεχνήσεως δεῖ. Thucyd. I. 71.

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is the slave of existing institutions, is no better than a contradiction. Thus the Spartans had no idea of turning their triumph over Athens to any other account than that of their own pride and rapacity; neither the general intercourse between nation and nation, nor commerce, nor intellectual nor moral excellence, derived any benefit from their ascendancy. It was therefore unnatural, and fulfilled no object of God's providence, except that of being an instrument for the chastisement of others: so that it could only sow the seed of future wars, till having heaped up the measure of insult and oppression, it at last drew down its just judgment. But the growth of that spirit of organization and self-government which the high intelligence of the Greek mind could not but foster, was seen in the formation of the Olynthian confederacy [34]. Among the Chalcidian and Bottiæan towns of the peninsula of Pallene and its neighbourhood, places whose fate it had been hitherto to be the mere subjects of some greater power, we now witness the growth of an independent political system, of which the head was not to be Sparta nor Athens, but Olynthus. This was a proof that the vigour of the Greek character was developing itself in a wider circle than heretofore, and prepares us for the change so soon to be effected by the genius of Philip and Alexander, when the centre of the power and outward activity of Greece was to be found in Macedon, while Athens still remained the well-spring of its intellectual vigour.

[34] Xenophon, Hellenica, V. 2, § 12, et seqq.

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Eastern coast of the Adriatic. Molossians and Thesprotians.

The eastern coast of the Adriatic is one of those ill-fated portions of the earth which, though placed in immediate contact with civilization, have remained perpetually barbarian. Unvisited, and indeed almost inaccessible to strangers from the robber habits of the population, the Dalmatian provinces of Austria, no less than those of Montenegro and Albania, which are not yet re-united to Christendom, are to this hour as devoid of illustrious names and noble associations as they were in the fourth century before the Christian æra. From the gulf of Ambracia, the north-western boundary of Greece, up to the head of the Adriatic, the coast was occupied by the Molossians, Thesprotians, Chaonians, and, beyond these, by the various tribes [35] of the great Illyrian nation, amongst whom Herodotus included even the Henetians or Venetians, at the northern extremity of this whole region. In remote times, before the Hellenic race began to assume a character so distinct from all its kindred nations, the Molossians, Thesprotians, and Chaonians, all of them it is probable Pelasgian tribes, were, both in their religion and in their traditions of their heroes, closely connected with the Greeks. The ancient temple of Dodona, once no less famous than Delphi became afterwards, belonged to the Thesprotians; the son of Achilles was said to have reigned over the Molossians; and even within historical

[35] Scylax distinguishes the Venetians, as well as the Istrians and Liburnians, from the Illyrians, p. 6, 7. And so also does Livy, X. 2. But Herodotus, as I have said, reckons even the Venetians as Illyrians, I. 196, and Strabo calls the whole eastern coast of the Adriatic, Illyricum, as far as the very head of the gulf. VII. p. 313, 314.

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memory, the names of Molossian kings and chiefs are of Greek origin, such as Alcon, one of the suitors of the fair Agaristé, the daughter of Clisthenes of Sicyon, and still later, Admetus, the protector of Themistocles in his disgrace, and Alcetas, the ally of Dionysius of Syracuse. But the mass of the people were considered to be barbarian, and their fortunes were distinct from those of Greece, till the brilliant reign of Pyrrhus, more than a century after our present period, for a time united them.

Illyrians.

The Illyrians were already notorious for their piracies, and it was remarked of them, that some of their tribes were governed by queens [36]. Their queen Teuta, and her wars with the Romans, will give me an opportunity of noticing them more fully hereafter; and so rapidly is our knowledge increasing, that ere long we may possibly gain some clue to assist us in discovering the race and language of the Illyrians, points which at present are involved in the greatest obscurity.

Macedon. Reign of Amyntas, the father of Philip.

We are within five-and-twenty years of the accession of Philip to the throne of Macedon, but so entirely was the Macedonian greatness his own personal work, that nothing as yet gave sign of what it was so soon to become. His father Amyntas was at this time king, and unable even to cope with the Olynthian confederacy which had lately grown up in his neighbourhood. Many of the cities of Macedonia

[36] Λιβυρνοὶ γυναικοκρατοῦνται. Scylax, Periplus, p. 7. This is on the assumption that the Liburnians were either Illyrians, or, at any rate, of a kindred stock.

were won by the Olynthians[37], and Amyntas was most rejoiced to obtain the aid of Lacedæmon to establish him on his throne by putting down this formidable enemy. The Macedonians[38] were not allowed to be Greeks, although they were probably of a kindred stock, and although the Greek language was now in universal use among them. But their kings were of the noblest Greek blood, being Heraclidæ from Argos, claiming descent from Temenus, one of the three hero chiefs of the race of Hercules, who had established themselves in Peloponnesus by the aid of the Dorians. The people were stout, brave, and hardy, and more numerous than the citizens of the little Greek commonwealths; so that Philip afterwards found no difficulty in raising a considerable army when he began to aspire to the honour of making himself the first power in Greece. But as yet, though Archelaus had made roads through the country[39], and had collected large supplies of arms to arm his people, the friendship and the enmity of Macedon were of little value, and none could have imagined that the fatal blow to the independence of Greece was to come from a king-

[37] Xenophon, Hellenica, V. 2, § 13. 3, § 9.

[38] Alexander, the son of Amyntas, when he went over with some secret information to the Greek camp, before the battle of Platæa, is represented by Herodotus (IX. 45) as accounting for his interest in the welfare of Greece, by saying, that he himself was of Greek origin, alluding to his supposed descent from Temenus the Heraclid. This would have been needless, had his birth as a Macedonian made him a Greek. Again, Thucydides distinguishes the Macedonians from the Greeks who were settled on their coast, and even expressly includes them amongst the barbarians. IV. 124. 126.

[39] Thucydides, II. 100.

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dom which as yet scarcely belonged to the Greek name, and in the struggles for dominion between Athens and Lacedæmon had been only a subordinate auxiliary.

State of the Persian monarchy.

Further to the east, the great Persian monarchy still existed unimpaired in the extent of its visible dominion, although ready at the first touch to fall to pieces. All of Asia of which the Greeks had any knowledge, from the shores of the Ægæan to the Indus and the Araxes, from the Erythræan Sea southwards to the Caspian, and the chain of Caucasus, obeyed, to speak generally, the great king. In Africa however it was otherwise: Egypt had been for some years in revolt, was again governed by a dynasty of its native princes, and had defied the efforts of the Persian kings to reconquer it. And this example, together with the long war carried on against the Persians by Evagoras, the tyrant of the little state of Salamis, in Cyprus, and the belt of Greek cities encircling the whole coast of Asia Minor, from Trapezus on the Euxine to Cnidus by the Triopian Cape, was tending gradually to dissolve the Persian power. The great king's hold on Caria and Cilicia was loosened, and when Isocrates wrote his Panegyrical Oration, in the beginning of the hundredth Olympiad [40], Tyre was in the possession of the king's enemies, and its naval force strengthened for a time the arms of Evagoras.

Conclusion.

Such was the state of the civilized world, when

[40] Isocrates, Panegyric. § 188, p. 74.

the Kelts or Gauls broke through the thin screen which had hitherto concealed them from sight, and began for the first time to take their part in the great drama of the nations. For nearly two hundred years they continued to fill Europe and Asia with the terror of their name: but it was a passing tempest, and if useful at all, it was useful only to destroy. The Gauls could communicate no essential points of human character in which other races might be deficient; they could neither improve the intellectual state of mankind, nor its social and political relations. When, therefore, they had done their appointed work of havoc, they were doomed to be themselves extirpated, or to be lost amidst nations of greater creative and constructive power; nor is there any race which has left fewer traces of itself in the character and institutions of modern civilization.

CHAPTER XXIII.

MISCELLANEOUS—PHYSICAL HISTORY.

"Postrema vero partitio historiæ civilis ea sit, ut dividatur in meram aut mixtam. Mixturæ celebres duæ: altera ex scientiâ civili; altera præcipue ex naturali."—BACON, De Augmentis Scientiar. II. 10.

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Imperfection of the materials for physical history.

A GREAT work might be written on the connexion between the revolutions of nature and those of mankind: how they act each upon the other; how man is affected by climate, and how climate is again altered by the labours of man: how diseases are generated; how different states of society are exposed to different disorders, and require different sorts of diet: how, as all earthly things are exhaustible, the increased command over external nature given by increased knowledge seems to have a tendency to shorten the period of the existing creation, by calling at once into action those resources of the earth which else might have supplied the wants of centuries to come: how, in short, nature, no less than human society, contains tokens that it had a beginning, and will as surely have its end. But unfortunately, the physical history of ancient times is even more imperfect than the political history; and in the place

of those exact and uninterrupted records of natural phenomena, from which alone any safe conclusions can be drawn, we have only a few scattered notices; nor can we be sure that even these have recorded what was most worthy of our knowledge. Still these scanty memorials, such as they are, must not be neglected: and as we gain a wider experience, even these may hereafter be found instructive.

The climate of Italy was anciently colder in winter than it is now.

The first question with regard to the physical state of ancient Rome is, whether the climate was such as it is at present. Now here it is impossible not to consider the somewhat analogous condition of America at this day. Boston is in the same latitude with Rome; but the severity of its winter far exceeds not that of Rome only, but of Paris and London. Allowing that the peninsular form of Italy must at all times have had its effect in softening the climate, still the woods and marshes of Cisalpine Gaul, and the perpetual snows of the Alps, far more extensive than at present, owing to the uncultivated and uncleared state of Switzerland and Germany, could not but have been felt even in the neighbourhood of Rome. Besides, even on the Apennines, and in Etruria and in Latium, the forests occupied a far greater space than in modern times; this would increase the quantity of rain, and consequently the volume of water in the rivers; the floods would be greater and more numerous, and before man's dominion had completely subdued the whole country, there would be large accumulations of water in the low grounds, which would still further increase the

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coldness of the atmosphere. The language[1] of ancient writers, on the whole, favours the same conclusion, that the Roman winter, in their days, was more severe than it is at present. It agrees with this, that the olive, which cannot bear a continuance of severe cold, was not introduced into Italy till long after the vine: Fenestella[2] asserted that its cultivation was unknown as late as the reign of Tarquinius Priscus; and such was the notion entertained of the cold of all inland countries, even in the latitude of Greece, that Theophrastus[3] held it impossible to cultivate the olive at the distance of more than four hundred stadia from the sea. But the cold of the

[1] It is by no means easy to know what weight is to be given to the language of the poets; nor how far particular descriptions or expressions may have been occasioned by peculiar local circumstances. Pliny's statement, Epistol. II. 17, that the bay-tree would rarely live through the winter without shelter, either at Rome, or at his own villa at Laurentum, if taken absolutely, would prove too much; for although the bay is less hardy than some other evergreens, yet how can it be conceived that a climate in which the olive would flourish, could be too severe for the bay? There must either have been some local peculiarity of winds or soil, which the tree did not like, or else the fact, as is sometimes the case, must have been too hastily assumed: and men were afraid from long custom to leave the bay unprotected in the winter, although in fact they might have done it with safety. Yet the elder Pliny, XVII. 2, speaks of long snows being useful to the corn, which shows that he is not speaking of the mountains; and a long snow lying in the valleys of central or southern Italy would surely be a very unheard-of phenomenon now. Again, the freezing of the rivers, as spoken of by Virgil and Horace, is an image of winter, which could not I think naturally suggest itself to Italian poets of the present day, at any point to the south of the Apennines. Other arguments to the same effect may be seen in a paper by Daines Barrington, in the 58th volume of the Philosophical Transactions. Gibbon also, after stating the arguments on both sides of the question, comes to the same conclusion. Miscellan. Works, Vol. III. p. 246. He quotes, however, the Abbé de Louguerue, as saying that the Tiber was frozen in the bitter winter of 1709.

[2] Pliny, Hist. Natur. XV. 1.

[3] Pliny, Hist. Natur. XV. 1.

winter is perfectly consistent[4] with great heat in the summer. The vine is cultivated with success on the Rhine, in the latitude of Devonshire and Cornwall, although the winter at Coblentz and Bonn is far more severe than it is in Westmorland; and evergreens will flourish through the winter in the Westmorland valleys far better than on the Rhine or in the heart of France. The summer heat of Italy was probably much the same in ancient times as it is at present, except that there were a greater number of spots where shade and verdure might be found, and where its violence would therefore be more endurable. But the difference between the temperature of summer and winter may be safely assumed to have been much greater than it is now.

This perhaps had an effect on the healthiness of the neighbourhood of Rome.

It then becomes a question whether the greater cold of the winter, and the greater extent of wood and of undrained waters which existed in the times of the Romans, may not have had a favourable influence in mitigating that malaria which is now the curse of so many parts of Italy, and particularly of

[4] It is a common notion that climate follows latitude, and that a northern country will be cold, and a southern one warm, as compared with each other throughout the year. But this is by no means an universal rule: on the contrary, climate in England is more affected by the longitude of a place, than by its latitude; and the winters are often mildest in those parts, where the summers are least genial. The whole eastern coast, from Kent to Caithness, is much colder in winter than the western; and this to such a degree, that Kent is not only colder than Cornwall, but colder than Cumberland, or Argyleshire. On the other hand, the eastern coast in summer enjoys a much greater share of steady fine weather and sunshine than the western. Wall-fruit will ripen in the neighbourhood of Edinburgh far more surely than in Westmorland, and wheat grows luxuriantly as far north as Elgin, while it is a rarity on the coast of Argyleshire.

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the immediate neighbourhood of Rome. On a subject so imperfectly understood even by those who have had the fullest experience, it were most unbecoming in a foreigner to speak otherwise than with the greatest diffidence. We know, however, that the Campagna at Rome, which is now almost a desert, must, at a remote period, have been full of independent cities; and although the greater part of these had perished long before the fourth century of Rome, yet even then there existed Ostia, Laurentum, Ardea, and Antium on one side, and Veii and Cære on the other, in situations which are now regarded as uninhabitable during the summer months; and all the lands of the Romans, on which they, like the old Athenians, for the most part resided regularly, lie within the present range of the malaria.

The range of the malaria less extensive formerly than at present.

Some have supposed, that although the climate was the same as it is now, yet the Romans were enabled to escape from its influence, and their safety has been ascribed[5] to their practice of wearing woollen next to the skin, instead of linen or cotton. But not to notice other objections to this notion, it is enough to say, that the Romans regarded unhealthy situations with the same apprehension as their modern descendants; it is one of the first cautions given by Cato[6] and Varro[7] to a man going to purchase land, that he should buy only where the air is healthy; "otherwise," says Varro, "farming is nothing

[5] By Brocchi, in his "Discorso sulla condizione dell' aria di Roma negli antichi tempi," printed at the end of his work on the Geology of Rome.

[6] Cato, de Re Rusticâ, II.

[7] Varro, de Re Rusticâ, II. 4.

else than a mere gambling with life and property." The truth seems to be, that the malaria, although well known and extremely fatal, was much more partial than at present, and that many spots which are now infected were formerly free from it. "The whole of Latium," says Strabo[8], "is a flourishing and very productive country, with the exception of a few spots near the coast, which are marshy and unhealthy." And again, when speaking expressly of the Campagna between the Alban hills and Rome[9], he says "that the parts towards the sea are not so healthy; but that the rest is a good country to live in, and well cultivated accordingly." Now, although this is probably going too far, for the unhealthy spots could not have been confined altogether to the sea-coast, yet, with every allowance for exaggeration and careless writing, this is a description of the Campagna which no man in his senses would think of giving now.

Rome itself, then as now, was less unhealthy than its immediate neighbourhood.

On the other hand, Cicero[10] and Livy[11] both speak of the immediate neighbourhood of Rome as unhealthy, but at the same time they extol the positive healthiness of the city itself; ascribing it to the hills, which are at once airy themselves, and offer a screen to the low grounds from the heat of the sun. Bunsen also, after an experience of many years, gives a favourable account of the healthiness of the city itself.

[8] V. 3, § 5, p. 231.
[9] V. 3, § 12, p. 239.
[10] De Republicâ, II. 6. "Locum delegit (Romulus) in regione pestilenti salubrem."
[11] Compare VII. 38. "In pestilente atque arido circa urbem solo;" and V. 54. "Saluberrimos colles."

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"The site of Rome," he says, "taken generally, may be called healthy." It is true, that one of the most unhealthy parts of modern Rome, the Piazza di Spagna and the slope of the Pincian hill above it, was not within the limits of the ancient city. Yet the praise of the healthiness of Rome must be understood rather comparatively with that of the immediate neighbourhood than positively. Rome, in the summer months, cannot be called healthy, even as compared with the other great cities of Italy, much less if the standard be taken from Berlin or from London.

The Campagna has perhaps become less healthy from the winters having become milder, and from the diminution in the quantity of rain.

Again, the neighbourhood of Rome is characterized by Livy as a "pestilential and parched soil." The latter epithet is worthy of notice, because the favourite opinion has been that the malaria is connected with marshes and with moisture. But it is precisely here that we may find, I think, the explanation of the spread of the malaria in modern times. Even in spring, nothing can less resemble a marsh than the present aspect of the Campagna. It is far more like the down country of Dorsetshire, and as the summer advances, it may well be called a dry and parched district. But this is exactly the character of the plains[12] of Estremadura, where our soldiers suffered

[12] The view here given of some of the phenomena of marsh or malaria fevers, was obtained from a paper by Dr. Ferguson of Windsor, "On the Nature and History of the Marsh Poison," which was read before the Royal Society of Edinburgh in 1820. I directed Bunsen's attention to it, and he has made much use of it in his own paper on the "Aria cattiva" in the first volume of his description of Rome. An unprofessional man's judgment of a medical work is worth little; but the subject of Dr. Ferguson's paper is one in which I have long felt a lively interest; and all that I have

so grievously from malaria fever in the autumn of 1809. In short, abundant experience has proved, that when the surface of the ground is wet, the malaria poison is far less noxious than when all appearance of moisture on the surface is gone, and the damp makes its way into the atmosphere from a considerable depth under ground. After a wet and cold summer, in 1799, when the whole face of the country was nearly flooded with water, the British army remained the whole autumn in one of the most unhealthy parts of Holland, without suffering in any remarkable degree from malaria fever. But in 1809, when the summer had been hot and fine, every one remembers the deadly effect in the autumn fevers on the soldiers who were holding Walcheren. If then more rain fell in the Campagna formerly than is the case now; if the streams were fuller of water, and their course more rapid; above all, if owing to the uncleared state of central Europe, and the greater abundance of wood in Italy itself, the summer heats set in later, and were less intense, and more often relieved by violent storms of rain, there is every reason to believe that the Campagna must have been far healthier than at present; and that precisely in proportion to the clearing and cultivation of central Europe, to the felling of the woods in Italy itself, the consequent decrease in the quantity of rain, the shrinking of the streams, and the disappearance of

observed myself, or heard from medical men, in answer to my inquiries as to matters of fact, has been in agreement with his statements.

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the water from the surface, has been the increased unhealthiness of the country, and the more extended range of the malaria.

Causes of its gradual desolation.

It must be observed also, that the present desolation of the Campagna, and even that comparative want of population which prevailed in it during the later times of the Roman republic and under the empire, are not wholly to be attributed to physical causes. The aguish districts of England continue to be inhabited, nor have the terrors of the yellow fever driven men away from the unhealthiest situations of the West Indies, or from Vera Cruz, Acapulco, or Carthagena. The old cities of the Campagna would have continued to defy the malaria; their population would have been kept down indeed; many of their children would have died young, and the average length of human life would have been far short of threescore years and ten; but men do not readily leave their country, and they would have continued, as their fathers had done before them, to struggle with disease and death. When, however, political causes had destroyed the cities of the Campagna one after the other, and the land became the property of Roman citizens; when again at a later period the small properties disappeared, and whole districts fell into the hands of a few individuals; then it was natural that those who could afford to live where they chose should not fix themselves in a spot of even partial unhealthiness, and thus a great part of the Campagna was left only to the slaves by whom it was cultivated. In modern times, when slave labour was

no longer to be had, and there were no attractions strong enough to induce a free population to migrate from their homes to an unhealthy district, the Campagna has remained a wilderness, and its harvests are reaped by a temporary immigration of labourers from other parts of the country. To repeople it under such circumstances is far more difficult than to keep up a population already existing; and if, as I believe, the physical state of the Campagna has become more and more unfavourable, it seems likely, without some extraordinary advances in our knowledge of the malaria, and in our ability to combat it, to remain a wilderness for ever [13].

[13] This opinion should be expressed with the greatest hesitation and diffidence, because Bunsen believes that the Campagna is reclaimable by encouraging human habitation in it; and he thinks that if the great landholders were to let out their property on leases to a number of small farmers, who would thus naturally create a resident population, the unhealthiness of the air would in a great measure be obviated. It is said that the breaking up of the surface of the ground is found to lessen the virulence of the malaria; and the fires which necessarily accompany human dwellings, are another known antidote to it. As a proof of this, Bunsen appeals to the great improvement thus effected by the duke of Zagarolo in the neighbourhood of that little town, which stands on the edge of the Campagna, a few miles from Palestrina, about a mile on the left of the road coming from Rome. The air, which was decidedly unhealthy, has been purified; and the whole district, by having been peopled, has become actually capable of supporting a population in health and prosperity. However, without reckoning on the moral improbability of finding the great body of proprietors disposed to follow a new system at variance with their old habits, it must be allowed, that the duke of Zagarolo's experiment was made under circumstances unusually favourable. The country round Zagarolo is high ground; it forms a sort of shoulder, connecting the Alban hills with the Apennines, and forms the divortium aquarum, or watershed, of the feeders of the Tiber on the one hand, and of the Garigliano on the other. Its character also is wholly different from the general aspect of the Campagna; it is not a country of long-swelling slopes, notched as it were here and there with deep narrow stream beds; but a succession of nearly parallel ridges, rising to a considerable height, with valleys rather than gorges

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Various epidemic disorders noticed in the annals.

The disorders produced by malaria, whether more or less fatal, so regularly accompanied the return of hot weather, that they were not likely to be recorded in the annals. The diseases which were noticed there were of a very different character, and belonged rather to another class of phenomena, those extraordinary sicknesses, which, in obedience to a law hitherto undiscovered, visit the earth at different periods, prevail more or less extensively, and acting independently as it seems of any recognized causes of disease, are also beyond the reach of all known remedies. The first half of the fourth century of Rome was one of these calamitous periods, and the pestilences which occurred at the beginning of it have been already noticed. Seven others are recorded between the years 318 and 365; that is to say[14], in 319, 320, 322, 327, 343, 356, and 363. They are described in general terms, with the exception of those of the years 327 and 363, which are ascribed to unusual droughts; and said also to have nearly resembled each other in their symptoms. The epidemic of 327 first, as we are told, attacked the cattle, the herdsmen, and others who tended the cattle, and lastly it became general. It appears to have been wholly inflammatory, and to have shown itself particularly on the skin; first in the form of a violent rash[15], accompanied with extreme irritation, and afterwards in the shape of erysipelas of a very malignant kind. This visitation

between them. To all appearance therefore it was more easily reclaimable than the great mass of the Campagna.

[14] Livy, IV. 21. 25. 30. 52. V. 13. 31.

[15] Dionysius, XII. 3. Fragm. Mai.

took place just after the conclusion of the peace of Nicias, and we do not hear of any coincident prevalence of pestilence in Greece. The epidemic of 363[16] is described in similar terms; it was brought on by the same causes, an exceedingly hot and dry summer; and the symptoms were the same, an eruption terminating in large and painful ulcers, accompanied with such irritation, that their patients tore their flesh even to the bone. The date of this disorder falls about the beginning of the ninety-ninth Olympiad, that is to say, it coincides with the Olynthian war; and as it arose from local causes, we cannot be surprised that we hear no mention of its having extended into Greece. But the epidemic of 322 and of the years almost immediately preceding it, was contemporary with the great plague of Athens; and that of 356 coincided, according to the chronology of Diodorus, with the violent sickness which destroyed Imilcon's army before Syracuse, and had been preceded by three or four years of epidemic disease in Africa.

Phenomena of the weather. Great frost of the year 355.

If from diseases we turn to the phenomena of the weather, with which they are, in all probability, closely connected, we find the years 327 and 363 marked, as has already been observed, by excessive droughts; and the summer of 356 is said by Diodorus[17] to have been of the same character. On the other hand, the winter of 355 had been one of

[16] Dionysius, XIII. 4. Fragm. Mai. Livy, V. 31. Dionysius appears to put this epidemic a year earlier than Livy, namely, in 362.

[17] XIV. 70.

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unusual severity[18]; the Tiber was choked up with ice, the snow lay seven feet deep, where it was not drifted; many men and cattle were lost in it, and many of the cattle were killed by the extreme cold, or starved from want of pasture, the resources by which we now provide for their subsistence during the winter being then little practised. It is added that the fruit trees, by which are meant the figs and olives in particular, either perished altogether, or suffered so severely that they did not bear for a long time afterwards; and that many houses were crushed by the weight of snow which lay on them, or carried away by its melting when the frost at last broke up. There is also a notice in Diodorus of the winter of 321[19], which is described as having been excessively wet, so that the fruits of the following season never ripened properly, and the corn was considered unwholesome.

Volcanic phenomena. Earthquakes.

The period about the year 322, was remarkable in Greece for the frequency and severity of earthquakes; the numerous earthquakes which, from their occurring so nearly together, were remembered afterwards as an epoch, happened, says Thucydides[20], at this time. In the same way the Romans were alarmed in the year 319, by reports[21] of frequent earthquakes in the country immediately adjoining

[18] Livy, V. 13. Dionysius, XII. 8. Fragm. Mai. Bunsen observes, that ice in the Tiber is now as unknown a phenomenon as it would be between the tropics. The winter of 355 is indeed described by Dionysius as one altogether unparalleled in the Roman annals, either before or since, down to his time. I cannot find any particulars of the freezing of the Tiber in 1709, already noticed in note 1.

[19] XII. 58.

[20] III. 89.

[21] Livy, IV. 21.

Rome, and many houses were thrown down by the shocks. It is probable that some phenomena of this sort occasioned also the great overflow of the Alban lake during the war with Veii; an event remarkable in itself, and still more so as having led to the famous work existing to this day, the tunnel by which the water of the lake is carried through the range of hills which encircle it, and from thence is discharged into the Campagna.

The volcanic lakes of the neighbourhood of Rome. Tunnel of the lake of Alba.

The lakes of Alba and Nemi, like others in the neighbourhood of Rome, are of a peculiar character. In their elevation, lying nestled as it were high up in the bosom of the mountains, they resemble what in Cumberland and Westmorland are called tarns; but our tarns, like ordinary lakes, have their visible feeders and outlets, their head which receives the streams from the mountain sides, and their foot by which they discharge themselves, generally in a larger stream, into the valley below. The lakes of Alba and Nemi lie each at the bottom of a perfect basin, and the unbroken rim of this basin allows them no visible outlet. Again, it sometimes happens that lakes so situated have their outlet underground, and that the stream which drains them appears again to the day after a certain distance, having made its way through the basin of the lake by a tunnel provided for it by nature. This is the case particularly where the prevailing rock is the mountain or metalliferous limestone of Derbyshire, which is full of caverns and fissures: and an instance of it may be seen in the small lake or tarn of Malham in Yorkshire,

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and another on a much larger scale in the lake of Copais in Bœotia. But the volcanic rocks, in which the lake of Alba lies, do not afford such natural tunnels, or at least they are exceeding small, and unequal to the discharge of any large quantity of water; so that if any unusual cause swells the lake, it can find no adequate outlet, and rises necessarily to a higher level. The Roman tradition reported that such a rise took place in the year 357: it was caused probably by some volcanic agency, and increased to such a height, that the water at last ran over the basin of hills at its lowest point[22], and poured down into the Campagna. Traces[23] of such an outlet are said to be still visible; and it is asserted that there are marks of artificial cutting through the rock, as if to enlarge and deepen the passage. This would suppose the ordinary level of the lake in remote times to have been about two hundred feet higher than it is at present; and if this were so, the actual tunnel was intended not to remedy a new evil, but to alter the old state of the lake for the better, by reducing it for the time to come to a lower level. Possibly the discharge over the edge of the basin became suddenly greater, and so suggested the idea of diverting the water altogether by a different channel. But the whole story of the tunnel, as we have it, is so purely a part of the poetical account of the fall of Veii, that no part of it can be relied on as historical. The prophecy of the old Veientian,

[22] Dionysius, XII. 11. Fragm. Mai.

[23] Sir W. Gell, Topography of Rome, &c. Vol. I. p. 43.

and the corresponding answer of the Delphian oracle, connecting the draining of the lake with the fate of Veii, must be left as we find them: only it is likely enough that any extraordinary natural phenomenon, occurring immediately after the visitation of pestilence, and in the midst of a long and doubtful war, should have excited unusual alarm, and have been thought important enough to require an appeal to the most famous oracle in the world. But other questions of no small difficulty remain: the length of the tunnel, according to the lowest statement given, exceeds two thousand one hundred yards [24]; according to others it exceeds two thousand six hundred [25]; and one estimate makes it as much as two thousand eight hundred [26]; its height varies from seven feet and a half to nine or ten feet; and its width is not less than four feet. Admitting that it was wholly worked through the tufo [27], which is easily wrought, still the labour and expense of such a tunnel must have been considerable; and in the midst of an important war, how could either money or hands have been spared for such a purpose? Again, was the work exclusively a Roman one, or performed by the Romans jointly with the Latins, as an object of com-

[24] Westphal. Römische Kampagne, p. 25.

[25] Sir W. Gell, Topography of Rome, p. 39.

[26] Mr. Laing Meason, quoted by Sir W. Gell in a note to p. 53 of his Topogr. of Rome, Vol. I.

[27] Westphal says it is worked through lava. Sir W. Gell says it is excavated generally in the tufo. Mr. Meason, whose authority is considerable, as he had had much practical acquaintance with mining, and went into the tunnel for about 130 yards from the lake, speaks of the work as cut in the tufo.

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mon concern to the whole confederacy? The Alban lake can scarcely have been within the domain of Rome; nor can we conceive that the Romans could have been entitled to divert its waters at their pleasure without the consent of the neighbouring Latin cities. But if it were a common work; if the Latins entered heartily into the quarrel of Rome with Veii, regarding it as a struggle between their race and that of the Etruscans; if the overflow of the waters of their national lake, the lake which bathed the foot of the Alban mountain, where their national temple stood and their national solemnities were held, excited an interest in every people of the Latin name, then we may understand how their joint labour and joint contributions may have accomplished the work even in the midst of war; and the Romans, as they disguised on every occasion the true nature of their connexion with the Latins, would not fail to represent it as exclusively their own.

CHAPTER XXIV.

THE GAULS INVADE CENTRAL ITALY—BATTLE OF THE ALIA—BURNING OF ROME—RANSOM OF THE CAPITOL AND OF THE CITY—RETREAT OF THE GAULS.

"Hark! the Gaul is at her gates!"
COWPER.

"Aurea cæsaries ollis, atque aurea vestis:
Virgatis lucent sagulis; tum lactea colla
Auro innectuntur: duo quisque Alpina coruscant
Gæsa manu, scutis protecti corpora longis."
VIRGIL, Æn. VIII. 658.

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Common account of the settlements of the Gaulish tribes in Italy.

THE fourth century before the Christian æra brought the Gauls, as we have seen, for the first time within the observation of the civilized world. They then crossed the Apennines, and overran central and southern Italy; they then also broke in upon the Illyrian[1] tribes, established themselves between the Danube and Greece, and became known to the kings of Macedon[2]. But whether it was in this same

[1] Justin, XXIV. 4. This is the great expedition which Scylax alludes to when he describes the Gauls on the north-western coast of the Adriatic, as "men who had stayed behind from their expedition;" ἀπολειφθέντες τῆς στρατείας. The following words, ἐπὶ στενῶν, appear to me to be corrupt.

[2] In the very beginning of the reign of Alexander, when a Gaulish embassy came to congratulate him on his victory over the Getæ. Arrian, Exp. Alex. I. 4.

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century that they had first crossed the Alps as well as the Apennines, is a question much more difficult to answer. If we follow the well-known account of Livy[3], we must fix their passage of the Alps two hundred years earlier: it was about six hundred years before the Christian æra, according to this statement, that there happened a vast emigration of the inhabitants of central Gaul; one great multitude, said the story, crossed the Rhine, and sought a home amidst the wilds of the Hercynian forest; another made its way over the Alps, descended into the plain of the Po, encountered and defeated the Etruscans, who were then the masters of the country, near the river Ticinus, and founded the city of Mediolanum. After this other tribes of central Gauls, entering Italy by the same course, and finding their countrymen already in possession of all to the westward of the Adda, penetrated still deeper, and extended the Gaulish settlements as far as the Adige. Again, at a later period, but how much later we are not told, the Boii[4] and Lingones set out from the east and

[3] Livy, V. 34, 35.

[4] The Lingones came from the neighbourhood of Langres, that high table land which looks down on the infant Marne to the north, and on the streams which feed the Saone to the south. The situation of the Boii in Gaul is not known; their nation is only to be traced in the countries to which it had emigrated, in Germany and Italy. It is remarkable that the story speaks of a simultaneous migration into Germany and Italy; and we find Boii in both of these countries. Again, the Senones, who are mentioned as having entered Italy last of all the Gauls, are also included amongst the tribes of the first swarm who founded Mediolanum. Both these circumstances seem to show, that in the view of the author of this account, all the migrations into Italy took place nearly continuously, and were the result of one and the same cause. This also seems to agree best with the fact, that the last comers, instead of attempting to dislodge those who

north-east of Gaul, made their way to the lake of Geneva, ascended the valley of the Rhone, crossed the Alps by the pass which now bears the name of the Great St. Bernard, and as the whole country on the north of the Po was already occupied, these new adventurers passed that river, and drove out the Etruscans and Umbrians from their possessions between the Po and the Apennines, from the neighbourhood of the modern cities of Parma, Modena, and Bologna. Last of all, but again the time is not specified, came the Senones from the same quarter of Gaul, and following in the track of the Boii and Lingones, crossed as they had done both the Alps and the Po, reached the coast of the Adriatic, and finally spread themselves along its shores from the neighbourhood of Ravenna to that of Ancona.

Its chronology is suspicious.

The geographical part of this account appears to deserve our full belief; but it does not follow that its chronology is equally trustworthy. The narrative itself seems to imply that all these migrations were nearly continuous, and it is for many reasons most probable[5] that they were so; yet it is not credible

had arrived before them, passed on quietly to a more distant settlement. This is very conceivable, if all had left their country from one and the same impelling cause, and in the course of one generation; but had the Boii and Lingones entered Italy a century or a century and a half later than the founders of Mediolanum, and from causes wholly unconnected with their migration, they would in all probability have tried to establish themselves between the Ticinus and the Adda, and would have paid little regard to the tie of a common extraction, when distance of time and place had done so much to weaken it.

[5] Partly, for the reasons given in the preceding note, and also, because a general burst of migration at one particular period is more probable amongst a barbarian people, than a succession of migrations to the same quarter, during a term of two hundred years.

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that the Senones should have been settled on the coast of the Adriatic[6] for two hundred years before they crossed the Apennines: and there is a preponderance[7] of evidence to prove that their inroad into

[6] They crossed the Apennines, according to Diodorus and the author of the little work, "De Viris Illustribus," because their settlement on the Adriatic was parched and barren; they surely would have discovered this in less time than a hundred years. Niebuhr notices the general rapidity of barbarian incursions; they advance further and further till they meet with some invincible obstacle. And those who had exterminated the Etruscans from the north of the Apennines, would have had nothing to deter them from attacking the same enemies in their southern possessions in Etruria Proper.

[7] Diodorus, XIV. 113. Dionysius, XIII. 14, 15. Fragm. Mai. Pliny, Hist. Natur. III. 17, where he says that the Gauls destroyed the Etruscan city of Melpum in northern Italy in the same year and day on which the Romans took Veii. Justin, XXIV. 4, and XX. 5, and even Livy himself, in two passages referred to by Niebuhr, V. 17, and 37, where he makes the Etruscans speak of the Gauls as a people whom they had never seen, who were recently become their neighbours, and with whom they knew not whether they were to have peace or war; and where in the same way he speaks of the Gauls as a new enemy to the Romans, who were come upon them from the shores of the ocean and the extremities of the earth. The only plausible argument for the more ancient settlement of the Gauls in Italy, (for little stress is to be laid on their pretended alliance with the Phocæan exiles who were founding Massilia,) is to be found in the statement of Dionysius, VII. 3, which some understand as saying that the Greek city of Cuma in Campania was besieged in the reign of Tarquinius Superbus by some Etruscans who had dwelt on the shores of the Ionian gulf, and who had been in the course of time driven from their country by the Gauls. This is the interpretation of Dionysius' words, as Müller understands them. (Etrusker, Vol. I. p. 153, note 78.) Niebuhr, however, understands them differently; and the language is not sufficiently precise to enable us to be certain as to the writer's meaning. The words are, Τυῤῥηνῶν οἱ περὶ τὸν Ἰόνιον κόλπον κατοικοῦντες, ἐκείθέν θ' ὑπὸ τῶν Κελτῶν ἐξελαθέντες σὺν χρόνῳ, καὶ σὺν αὐτοῖς Ὀμβρικοί τε καὶ Δαύνιοι καὶ συχνοὶ τῶν ἄλλων βαρβάρων ἐπεχείρησαν ἀνελεῖν (τὴν Κύμην). Niebuhr thinks that this means, "those Etruscans who then were dwelling on the Ionian gulf, but who in the course of time were afterwards driven from thence by the Gauls." Müller objects that if this were the meaning, Dionysius must have written οἱ τότε μὲν κατοικοῦντες, ὕστερον δὲ ἐξελαθέντες. This would have been clearer undoubtedly; but Dionysius does not write with the perfect clearness of Isocrates or Demosthenes, and the words

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Etruria followed close upon their first establishment in north Italy. It is impossible to say at how early a period tribes of Gauls may have passed over the Cottian Alps, and settled in the valleys and plain of Piedmont. But the general overthrow of the Etruscan power between the Alps and the Apennines, has every appearance of having been effected suddenly, speedily, and not earlier than the middle of the fourth century of Rome, when some causes, to us unknown, set the whole Keltic or Gaulish nation in motion, and drove them southward and eastward to execute their appointed work of devastation and destruction.

To what Keltic race did the Gauls, who invaded Italy, belong?

Another question next presents itself. Can we recognize these Gaulish invaders of Italy as belonging to either of the existing divisions of the Keltic race? Were they Gael, or were they Kymry? or did they belong to some third division, distinct from each of these, which has since utterly perished? Much has been written upon the subject of the Kelts and their

σὺν χρόνῳ are meant to express the same thing as Müller's ὕστερον. But after all, what can be made of the passage under any interpretation? "The Etruscans on the Ionian gulf," that is, on the Adriatic, could not have been driven out by the Gauls as early as the sixty-fourth Olympiad, for all allow that the Senones, who expelled the Etruscans from the coast, entered Italy after all the other Gauls; and their invasion was so recent, that Scylax speaks of the Etruscans, as well as of the Umbrians and Daunians, as still dwelling on the shores of the Adriatic even in his time. Nor is there any reason for considering the expedition against Cuma as occasioned by the expulsion of the invaders from their own country by another enemy. The Umbrians and Daunians who took part in it were certainly never driven out from their country by the Gauls; and it is more probable that the Etruscans, who are named as the first people in the confederacy, were not a band of fugitives; but were rather attempting, in conjunction with their dependent allies, to extend their dominion still further over Italy; for this was the period of their greatest power.

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language; but we seem as yet unable to connect our knowledge of the existing Keltic races with the accounts which we have received of them from the writers of antiquity.

Diodorus' distinction between the Gauls and Kelts.

Diodorus[8] tells us, that the Romans included under one common name of Gauls two great divisions of people; the one consisting of the Keltic tribes of Spain, of the south and centre of Gaul, and of the north of Italy; the other embracing those more remote tribes which lived on the shores of the ocean, and on the skirts of what he calls the Hercynian mountains, and eastward as far as Scythia. This last division, he says, were the proper Gauls, while the others were to be called Kelts. Niebuhr supposes that Diodorus learnt this distinction from Posidonius, and it is undoubtedly well worth noticing. Diodorus further says, that to these more remote tribes belonged the Kimbri, whom some writers identified with the old Kimmerians; and that these Kimbri were the people who took Rome, and sacked Delphi, and carried their conquests even into Asia.

Kelt and Gaul are but different forms of the same name.

It may be doubted, however, whether there be not in this statement a show of knowledge greater than the reality. Keltæ and Galatæ are undoubtedly only different forms of the same name; the first was the form with which the Greeks were earliest acquainted, at a time when their knowledge of the Kelts was confined to the tribes of Spain and Gaul. The great Gaulish migration of the fourth century

[8] Diodorus, V. 32.

before Christ introduced the other and more correct form "Galatæ;" yet many writers[9] continued to use the old orthography, and in fact, with the exception of the Galatians of Asia Minor, the other Gauls, in all parts of the world, are generally called by the Greeks according to their old form of the name, not Galatæ but Keltæ. These names, therefore, would in themselves rather show that the invaders of Italy and Greece were the same people with the old inhabitants of the west of Europe, than establish any diversity between them.

Yet the distinction of Diodorus is partly true,

But when we find from Cæsar[10], that the Gauls on the shores of the ocean, that is, on the coasts of the British Channel and the North Sea, the Gauls whom he calls Belgians, were distinguished both in language and customs from the Gauls of the interior; when we consider that these more remote Gauls included, according to Diodorus, the people called Kimbri, and when we see that the people now calling themselves Kymry, namely, the Welsh, do actually differ in language and customs from the Keltic tribes of Ireland and Scotland, the statement of Diodorus does appear to contain a real truth, and we begin to recognize in the Keltæ and Galatæ of his geography two great divisions of the same race,

[9] Aristotle ascribes to the Keltæ a peculiarity in national manners, which Diodorus reports of the Galatæ. And in those notices of Keltic manners and character which occur in several places of his works, he must have been speaking of the Kelts of Pannonia and Thrace, that is, of the Galatæ of Diodorus, and not of the remote inhabitants of Gaul and Spain.

[10] De Bello Gallico, I. 1.

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analogous to the Gael and Kymry existing at this day in Great Britain.

but involved in much difficulty.

Yet the gleam of light thus gained is almost instantly overclouded. The Gauls of the north of Italy appear, according to every testimony [11], to have been the same people with the Gauls of the centre of France, or, in the language of Diodorus, with the Keltæ. The names of their tribes, the Senones [12], Lingones, Insubres, Cenomani, can be connected at once with particular districts of Keltic Gaul, which bore, it may almost be said which bear to this day, the same names, and from which their origin is distinctly traced. We find among them no traces of Belgian or Kimbrian names, or of their having come from the shores of the Northern Ocean [13], or the Hercynian mountains. How then can it be said that the invaders of central Italy were not Keltæ but Galatæ, not Gael but Kymry?

The Gauls who invaded Italy came from Keltic Gaul.

It has been maintained, indeed, that [14] the Boii, Lingones, and Senones, the tribes which were the last to enter Italy, and which crossed the Alps, not by the passes to the west of Turin, but by the Great

[11] Polybius, II. 15. Τρανσάλπινοί γε μὴν οὐ διὰ τὴν τοῦ γένους ἀλλὰ διὰ τὴν τοῦ τόπου διαφορὰν προσαγορεύονται.

[12] The Senones came from the neighbourhood of Sens on the Yonne, the Lingones from that of Langres: the Insubres came from a district in the country of the Ædui, between the Loire and Saone; and the Cenomani from the neighbourhood of Le Mans.

[13] The expression in Livy already referred to, "that the Gauls came from the shores of the ocean," must not be alleged here, inasmuch as the ocean is there used merely in opposition to the Mediterranean, and may quite as well be understood of the Bay of Biscay as of the German Ocean or the Baltic.

[14] By Thierry in his Histoire des Gaulois, Vol. I. p. 44, &c.

St. Bernard, were of a different race from the earlier invaders, and that while those were Gael, these who came last were Kymry. But the Roman writers, and Polybius, who was well acquainted with the Cisalpine Gauls, acknowledge no such diversity. And though we cannot ascertain the country of the Boii, yet the Lingones and Senones both fall within the limits assigned by Cæsar to Keltic Gaul, as distinguished from the country of the Belgæ or Kymry.

But possibly the Kimbri, or Kymry, may have taken part in the invasion with them.

If, however, we are disposed to rely on the statement of Diodorus and Appian, that the Gauls who invaded Greece, were Kimbri, it may be very possible that there was a more general movement among the Keltic tribes in the fourth century of Rome, than the Greek or Roman writers were aware of. The Kymry breaking in upon the Gael from the east and north, may have persuaded or forced some of their tribes to join them in their march southwards; the two nations may have poured into Italy together, and while the Gaelic tribes settled themselves on the Po or on the coast of the Adriatic, the mass of the Kymrians may have pressed forward round the head of the gulf, and so penetrated into Pannonia and Thrace. Nor could we deny the possibility of some Kymrians having remained in Italy with the Gael; and if we believe that the name of Brennus[15]

[15] It must be remembered always that Fabius, the oldest Roman historian, wrote about two hundred years after the Gaulish invasion, and borrowed largely from the Greek writers. They mentioned the attack on Rome, as we know, but not with its details; and it is not likely that they should have given the name of the Gaulish leader. In fact, Diodorus, whose narrative, as Nie-

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was really borne by the leader of the attack on Rome, and that this word is no other than the Kymrian "Brenhin[16]," which signifies king or leader, then we must conclude that although the mass of the invaders were Gael, yet that not only were there Kymrians joined with them, but that a Kymrian chief commanded the whole expedition. This may have been so, but I can hardly think that there is sufficient evidence to require us to believe that it was so.

Difficulty of identifying the language of the Gauls who invaded Italy with any existing Keltic dialect.

Again, though I have called the Gauls of north Italy Gael, and have supposed that those who passed on to Illyricum and Thrace may have been Kymry, yet I am far from concluding that in the language of the former we should have recognized the exact Erse and Gaelic of Ireland and the Scotch Highlands, or in that of the latter the exact form of the modern Welsh. The Keltic languages, which still exist in these islands, are in all likelihood the solitary survivors out of a multitude of languages or dialects, once spoken by the various branches of the great Keltic family, from the Atlantic to the sources of the Danube, from the Mediterranean to the northern extremity of the British isles. Length of

buhr supposes, is copied from Fabius, does not give it at all. It is very likely that the name of Brennus was borrowed from the story of the Gaulish attack on Delphi, as so many of the embellishments of the Roman history have been taken from the famous stories of the history of Greece.

[16] Dr. Pritchard, whose authority in such questions is of the highest order, believes that Brennus is not the Welsh "Brenhin," but rather the proper name Bran, which occurs in Welsh history. I know not whether this name ever prevailed amongst the Irish, or the Gael of Scotland.

time and remoteness of place introduce wonderful changes in a language: so that no one could expect to find an exact resemblance between the Keltic spoken in the fourth century before the Christian æra, by the Gauls of France and Italy, and the actual language of the inhabitants of Ireland and the north of Scotland. We may, therefore, find names of places and persons[17] among the ancient Gauls,

[17] Dr. Pritchard tells me that he cannot trace the terminations magus, briga, and briva, in any of the existing Keltic languages. Although I am myself ignorant of those languages, yet I can see that Thierry's pretended explanations of Keltic names of places are often quite extravagant. Bodencus, according to Polybius, was the name given by the people of the country to the river Po; (Polyb. II. 16.) and this word, according to Pliny, Hist. Natur. III. 16, signifies bottomless, "fundo carens." Metrodorus of Scepsis, from whom Pliny borrowed this account, said indeed that Bodencus, or Bodincus, as it is in our copies of Pliny, was a Ligurian word; but there was a town Bodincomagus, which has evidently a Keltic termination. Can Bodincus or Bodencus be reasonably explained by the present Welsh or Irish languages? Again, the same Metrodorus derived Padus from the Gaulish Pades, which he said signified a pine-tree. Can this be traced in modern Keltic? It should be observed, that in explaining the names of places, and especially of terminations, it is not enough to produce Welsh or Irish words of similar sound, and capable of forming something of a significant word; but their combination must be agreeable to the usages of the language; and with regard to terminations, it should be shown either that they are common in names of places in Keltic countries now, or that some word of similar signification is so used. Attempts have been made within these few years by Welsh and German antiquaries to explain the names of ancient towns in Italy from the Keltic and Teutonic languages; and in either case it has not been difficult to find words of similar sound both in Welsh and German, which when combined give a possible signification. But in all these cases we see at once that of two different derivations one must be wrong; and it mostly happens I think that both are so.

Von Humboldt notices the terminations of magus, briga, and briva, as undoubtedly Keltic. The first and last of them do not occur in Spain; but Briga is frequently met with within the limits occupied by the Keltiberians. Humboldt refers to the termination Bria, which is met with in the geography of Thrace, as in the town Selymbria and Mesembria. He thinks that the Basque "iri" and "uri" are connected with both; and that we can go no further than to say that there was an old root

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which no Keltic language in its present state will enable us to interpret. Much more may it be impossible to trace such words in the written Welsh, or Erse, or Gaelic; although an exact acquaintance with the various spoken dialects in the several parts of Ireland or Wales might even now enable us to discover them. There are many German words[18] lost in our written English, which exist either in the names of places or in some of our provincial dialects; and doubtless the converse of this might be observed by any one who was familiar with the spoken dialects of Germany. For the language of the civilized nation was once no more than the dialect of some particular tribe, till some intellectual or political superiority of those who spoke it, caused it to be adopted in writing in preference to its sister dialects, and thus made its peculiarities from hence-

Bri, or Bro, expressing land, habitation, settlement, with which also the Teutonic Burg, and the Greek πύργος, may have been originally connected. In the Welsh and Breton languages "Bro" is still, he says, not only a cultivated field, but generally a country or district; and the Scholiast on Juvenal, Sat. VIII. 234, explains the name of Allobrogæ as signifying strangers, men from another land, "quoniam brogæ Galli agrum dicunt, alla autem aliud." Briva is supposed to mean bridge; but Von Humboldt agrees with Dr. Pritchard in saying, that there is no similar word of a like signification known to exist in any of the surviving Keltic languages.

I find brog and brug in O'Brien's Irish Dictionary as signifying "a grand house or building, a fortified place, a palace or royal residence." O'Brien connects it with briga and the Thracian Bria. I also find the substantive "brugaide" in O'Brien's Dictionary, as signifying "a husbandman, ploughman, or farmer."

[18] Dorf, "a village," is a well-known instance; a word which now exists in English only in the form of "thorpe," a common termination of the names of places in several counties, and sometimes a name by itself. Again the German "bach," a stream or brook, is in common use in the north of England, where the brooks or streams are invariably called becks.

forth the common rule. Now it may well happen in two nations speaking a common language, that the dialects [19] which shall ultimately prevail in each, shall not be those which most nearly resemble one another; and thus, at an advanced period of their history, their languages shall present a far greater dissimilarity than existed between them in their infancy.

The differences between languages were anciently less marked than they have become in later times.

Thus, as we follow the stream of time backwards towards its source, it is natural that the differences, not of dialect only, but even of language, should become less and less; so that what are now distinct main branches of one great stock, may at a very remote period have formed the as yet undivided elements of one common trunk. There must have been a time when the Keltic [20] and Teutonic languages were parted far less widely than we find them

[19] Many curious instances of this might be given. Horse and pferd are the classical English and German words for the same animal; but horse exists in German under the form ros, and is to be met with in poetry, and also sometimes on the signs of inns, as if it were now either an old or a merely provincial or familiar word. And, on the other hand, the English form of pferd, which is pad, has sunk still lower, and is merely a cant or ludicrous word in our present language.

[20] It is quite manifest from Dr. Pritchard's excellent work on the origin of the Keltic nations, that the Keltic and Teutonic languages belong to one common family, which is commonly called the Indo-Germanic. This appears not only from their containing a multitude of common words, but from a surer evidence, the analogy in their grammatical forms.

In order to judge of the connexion between one language and another, something more is necessary than the being merely able to write and to speak those two languages. Sir W. Betham, in his work called "the Cymry and the Gael," gives a list of Welsh and Irish pronouns, to show that the Welsh language has no connexion with the Irish. Whereas that very list furnishes a proof of their affinity to any one who has been accustomed to compare the various forms assumed by one and the same original word, in the several cognate languages of the same family.

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now; even within historical memory, when the Keltic and Teutonic tribes were intermixed with each other, within the limits of what is now Germany, and when they were so confounded together in the eyes of the Greeks and Romans, as to be regarded only as one great people[21], the real differences of manners and language may have been much less than they became afterwards, when their limits were more distinctly marked. What was working in the wide extent of central Europe during so many centuries of which no memorial remains, we should vainly seek to discover. Accident, to use our common language, may have favoured the growth of improvements in some remote tribe, while the bulk of the people, although nearer to the great centre of human civilization, may have remained in utter barbarism: and thus Cæsar's statement may be perfectly true, that druidism, of which we find no traces amongst the Cisalpine Gauls, was brought to its greatest perfection in Britain, and that the Gauls in his own time were in the habit of crossing over thither, as to the best and purest source of instruction in its mysteries.

Physical character of the Gauls.

There is one point, however, in which the difference between the Keltic race in ancient and modern times has been unduly exaggerated. The Greek and

[21] Dionysius divides the country of the Kelts, Κελτική, into two great divisions, which he calls Gaul and Germany, XIV. 2. Fragm. Mai. Strabo describes the Germans as the most perfect and genuine specimens of the peculiarities of the Gaulish race, and says that the Romans called them Germani, "true," "genuine," to intimate that they were genuine Gauls: ὡς ἂν γνησίους Γαλάτας φράζειν βουλόμενοι. VII. 1, § 2, p. 290.

Roman writers invariably describe the Gauls[22] as a tall and light-haired race in comparison with their own countrymen; but it has been maintained that there must be some confusion in these descriptions between the Gauls and the Germans, inasmuch as the Keltic nations now existing are all dark-haired. This statement was sent to Niebuhr by some Englishman; and Niebuhr, taking the fact for granted on his correspondent's authority, was naturally much perplexed by it. But had he travelled ever so rapidly through Wales or Ireland, or had he cast a glance on any of those groups of Irish labourers who are constantly to be met with in summer on all the roads in England, he would have at once perceived that his perplexity had been needless. Compared with the Italians, it would be certainly true that the Keltic nations were, generally speaking, both light-haired and tall[23]. If climate has any thing to

[22] Diodorus calls them εὐμήκεις λευκοί, and ταῖς κόμαις ξανθοί. V. 28. Ammianus Marcellinus calls them "candidi et rutili," XV. 12. Virgil speaks of their "aurea cæsaries," and "lactea colla," Æn. VIII. 658, 9. Strabo says that the "Germans differ a little from the Gauls in being more tall and more light-haired," τῷ πλεονασμῷ τοῦ μεγέθους καὶ τῆς ξανθότητος, VII. p. 290; and again he describes the Britons as "less light-haired than the Gauls," IV. p. 200. Polybius also speaks of their "great stature," II. 15; and Livy mentions their "procera corpora, promissæ et rutilatæ comæ," XXXVIII. 17. Now after such multitudes of Gauls had been brought into the slave-market by the conquests of the dictator Cæsar, the writers of the Augustan age, even though they might never have crossed the Alps, must have been as familiar with the appearance of a Gaul as the West Indians are with that of a negro. A mistake so general on a point so obvious is utterly impossible.

[23] I should not have ventured to speak so confidently merely from my own observation; but Dr. Pritchard, who has for many years turned his attention to this question, assures me that he is perfectly satisfied as to the truth of the fact here stated. To me it is only surprising that any one should have thought of disputing it.

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do with the complexion, the inhabitants of the north of Europe, in remote times, may be supposed to have been fairer and more light-haired than at present; while the roving life, the plentiful food, and the absence of all hard labour, must have given a greater development to the stature of the Gaulish warriors who first broke into Italy, than can be looked for amongst the actual peasantry of Wales or Ireland.

The Gauls cross the Apennines, and attack Clusium.

The Gauls then from beyond the Alps were in possession of the plain of the Po, and had driven out or exterminated the Etruscans, when in the year of Rome 364, they for the first time crossed the Apennines, and penetrated into central Italy. On the first alarm of this irruption [24] the Romans sent three of their citizens into Etruria to observe their movements; and these deputies arrived at Clusium just at the time when the Gauls appeared before its walls, and began, after their usual manner, to lay waste the country. The citizens made a sally, and the Roman deputies went out with them; they engaged with the Gauls, and one of the deputies encountered and slew a Gaulish chief. Roman patricians, said the Roman story [25], could not be confounded with Etruscans; the Gauls instantly perceived that there were some strangers of surpassing valour aiding the citizens of Clusium; they learnt that these strangers were Romans, and they forthwith sent deputies to Rome to

[24] Diodorus, XIV. 113.

[25] Livy, V. 36. Nec id clam esse potuit, quam ante signa Etruscorum tres nobilissimi fortissimique Romanæ juventutis pugnarent; tantum eminebat peregrina virtus.

demand that the man who had thus fought with them, and slain one of their chiefs, when there was no war between the Gauls and the Romans, should be given up into their hands, that they might have blood for blood. The senate thought that the demand of the strangers was reasonable, and voted that the deputy should be given over into their hands; but his father, who was one of the military tribunes for the year, appealed to the people from the sentence of the senate, and being a man of much influence, persuaded them to annul it. Then the Gauls, finding their demand rejected, broke up in haste from Clusium, and marched directly against Rome [26].

Uncertainty of the accounts of the Gaulish war.

Thus the very outset of this Gaulish invasion, even as related by Diodorus, who gives the story in its simplest form, is disguised by the national vanity of the Romans. It is impossible to rely on any of the details of the narrative which has been handed down to us; the Romans were no doubt defeated at the Alia; Rome was taken and burnt; and the Capitol ransomed; but beyond this we know, properly speaking, nothing. We know that falsehood has been

[26] Diodorus, XIV. 113, 114. This story, it will be observed, differs from Livy's in several points. According to Livy, the three deputies were all demanded by the Gauls; nothing is said of their father being military tribune, but it is said that they themselves were immediately elected military tribunes for the ensuing year. Diodorus does not name them; according to Livy, they were three brothers, sons of M. Fabius Ambustus. Now no Fabius appears in the list of military tribunes for the year 364, either according to Diodorus or Livy; and though the list for 365, as given by Diodorus, is very corrupt, yet there are no traces of its ever having contained the names of more than two Fabii at the most.

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busy, to an almost unprecedented extent, with the common story; exaggeration, carelessness, and honest ignorance, have joined more excusably in corrupting it. The history of great events can only be preserved by contemporary historians; and such were in this case utterly wanting. But as we have an outline of undoubted truth in the story, and as the particulars which are given are exceedingly striking, and in many instances not improbable, I shall endeavour at once to present such a view of the events of the Gaulish war as may be clear from manifest error, and to preserve also some of its most remarkable details, which may be true, and are at any rate far too famous to be omitted.

The Gauls advance on Rome.

We know that the Gauls needed no especial provocation to attack Clusium, or to penetrate beyond Rome, into the south of Italy. Wherever there was a prospect of the richest plunder, there was to them a sufficient cause for hostility. But the cities of Etruria, surrounded by their massive walls, were impregnable except by famine; so that after the open country had been once wasted, the Gauls would naturally carry their arms elsewhere. From Clusium the valley of the Clanis would conduct them directly to the Tiber; that river, so far from its mouth, would be easily fordable; and then all the plain of Latium lay open to their attack. The season was now the middle of summer; the new military tribunes, who at this period came into office on the first of July, had just been elected; and expecting the Gauls to advance upon Rome, and supposing that they would

approach by the right bank[27] of the Tiber, they summoned to the field the whole force of the Commonwealth, they called on their Latin and Hernican[28] allies to aid them, and having thus collected all their strength, they marched out of Rome on the road to Etruria, intending to receive the enemy's attack in the neighbourhood of Veii, which was now a sort of frontier fortress of the Roman territory, and which might serve as the base of their operations. The whole army thus assembled amounted, according to the statement of Plutarch[29], to forty thousand men.

They cross the Tiber, and enter the country of the Sabines.

But the Gauls meantime had crossed the Tiber into Umbria, and were moving along the left bank of the river, through the country of the Sabines, towards the plain of Latium. The Roman writers, who pretend that their only object was Rome, and that as soon as they heard that their demand for

[27] Diodorus states positively, that the Roman army marched out across the Tiber. It is true that he seems to have supposed the Alia to have been on the right bank of the Tiber; but this confusion arose probably from his finding no notice of the Romans recrossing the river before the battle. His first statement is probable, and seems to me to explain the extreme suddenness with which the battle on the Alia took place.

[28] "The Gauls," says Polybius, "defeated the Romans and those who were drawn up in the field along with them." Ῥωμαίους καὶ τοὺς μετὰ τούτων παραταξαμένους. II. 18. These could have been no other than the Latin and Hernican allies.

[29] Camillus, 18. According to Dionysius, XIII. 19, there were four legions of picked and experienced soldiers, and a still more numerous force of those who commonly stayed at home and did not serve in war; that is, of proletarians and ærarians. According to Diodorus, the left wing of the Roman army, consisting of the bravest soldiers, amounted to 24,000: that is, it contained the four regular legions spoken of by Dionysius, which amounted together to 12,000 men, and of an equal number of the allies. This would leave about 16,000 men for the raw and inferior troops, τοὺς ἀσθενεστάτους, who in the battle formed the right of the Roman army.

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satisfaction was rejected they hastened from Clusium to attack the Romans, forget that this is inconsistent with another part of their story, namely, that the deputies who had gone to Clusium were, as if in mockery of the Gauls, elected military tribunes immediately after the refusal to give them up. For as the tribunes did not enter on their office till the first of July, and the battle of the Alia was not fought till the sixteenth, the pretended hasty march of the Gauls from Clusium to Rome, a distance of about a hundred miles [30], must have taken up more than a fortnight. But in all likelihood the Gauls went on plundering the country before them, without aiming exclusively at Rome: according to Diodorus, they had waited in Etruria before they began their march southwards, long enough to receive large reinforcements [31] from beyond the Apennines; and the provocation given them by the Romans was, we may suppose, gladly seized as a pretence for extending their attacks upon the country of their old enemies, the Etruscans, to that of the other nations of central Italy.

The Romans take post on the Alia.

When it was discovered that the Gauls were already on the left bank of the Tiber, and advancing by the Salarian road, which was the old communication between the land of the Sabines and Rome, then the Romans were naturally thrown into the

[30] Polybius underrates the distance at a three days' journey. II. 25. Strabo calls it eight hundred stadia. V. p. 226. The itineraries as corrected make it one hundred and two, and one hundred and three miles, and it cannot be much less.

[31] XIII. 114.

greatest alarm. The Tiber, for many miles above Rome, is not fordable; as there were no towns on the river there were probably no bridges, and boats could not be procured at such short notice for the passage of so large an army. The Romans therefore were obliged to go round by Rome, and without an instant's delay march out by the Salarian road in order to encounter the enemy at as great a distance from the city as possible. They found the Gauls already within twelve miles of Rome; the little stream of the Alia, or rather the deep bed through which it runs, offered something like a line of defence[32]; and accordingly the Romans here awaited the attack of their enemy. Their right was posted on some high ground[33], covered in front by the deep bed of the Alia, and with a hilly and wooded country protecting its flank; while the left, consisting of the regular legions, filled up the interval of level ground between the hills and the Tiber, and its extreme flank was covered by the river.

[32] It is well known that to identify the famous Alia with any existing stream is one of the hardest problems of Roman topography. Virgil and Livy agree in placing it on the left bank of the Tiber; and Livy's description seems as precise as possible, for he says that the armies met, "ad undecimum lapidem, qua flumen Alia Crustuminis montibus præalto defluens alveo haud multum infra viam Tiberino amni miscetur." V. 37. And Westphal accordingly says that "something less than eleven miles from Rome, there is a small brook with high banks," and that "on the right of the road at this spot you see the village of Marcigliana Vecchia," p. 127. But I cannot reconcile this with Sir W. Gell's map, or with his description in his article on the Alia in his topography of Rome; for there Marcigliana Vecchia is placed about two miles nearer to Rome. Both descriptions are given in such detail that this diversity is rather perplexing.

[33] Livy, V. 38. Diodorus, XIV. 114.

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Battle of the Alia.

There seems in all these dispositions nothing of overweening rashness or of folly; it is doubtful what was really the disproportion of numbers between the two armies; if the Gauls had but recently been reinforced, the Roman generals may have supposed the enemy's numbers to have been no greater than they were at Clusium; and to fight was unavoidable, if they wished to save their country from devastation. But the Gaulish leader showed more than a barbarian's ability. With the bravest of his warriors he assailed the right of the Roman position: the soldiers of the poorer classes, unused to war, and untrained in the management of their arms, were appalled by the yells, and borne down by the strength of their enemies; and their wooden shields were but a poor defence against the fearful strokes of the Keltic broadsword. The right of the Romans was broken and chased from its ground; the course of the river had obliged the left of the army to be thrown back behind the right, so that the fugitives in their flight disordered the ranks of the regular legions; and the Gauls pursuing their advantage, the whole Roman army was totally routed. The vanquished fled in different directions; those on the left [34] plunged into the Tiber, in the hope of swimming across it and escaping to Veii; but the Gauls slaughtered them in heaps on the banks, and overwhelmed them with their javelins in the river, so that a large part of the flower of the Roman people

[34] Livy, V. 38. Diodorus, XIV. 114, 115.

was here destroyed. The fugitives on the right fled towards Rome; some took refuge in a thick wood [35] near the road, and there lay hid till nightfall; the rest ran without stopping to the city, and brought the tidings of the calamity.

The Gauls pass the night on the field of battle.

The Gauls did not pursue the fugitives far: we hear as yet nothing of that cavalry for which they were afterwards so famous; probably because they had not yet been long enough in Italy to have supplied themselves with the horses of that country: and the breed of Transalpine Gaul, like that of Britain, was too small to be used except for the drawing of their war-chariots. Besides, they were themselves wearied with their march, and with their exertions in the battle; and it was of importance [36] to each man to collect and exhibit his trophies, the heads of the enemies whom he had slain: for these were the proof that the warrior had done his duty in the battle, and was entitled to his share of the spoil: these were to be carried home, and preserved to after-

[35] Festus in "Lucaria." The wood according to this statement was between the Salarian road and the Tiber. This shows that Sir W. Gell has rightly marked the old Salarian road on his map, where he makes it turn to the right over the hills away from the Tiber, about two miles beyond Castel Giubileo. Had the road followed the low grounds near the river, there could scarcely have been a wood between it and the Tiber, for the ground must have been then as now, nothing but a great expanse of meadows.

[36] Diodorus, XIV. 115. V. 29. Strabo, IV. p. 197. The practice of cutting off the heads of their enemies, and of preserving them in their houses, is ascribed directly to the Gauls. The presenting them to the general, as a title to a share of the spoil, is mentioned by Herodotus as a Scythian custom (IV. 64); but as in other respects the Scythian customs with regard to the heads of their enemies resemble what is related of the Gauls, I have ventured to transfer to the latter people this custom also.

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ages in his family, as a memorial of his valour. Thus, according to the account of Diodorus, the Gauls passed the night after their victory on the field of battle.

The Romans resolve to defend the Capitol.

But the Romans found it impossible to defend their city; as the flower of the citizens of the military age, who had escaped from the battle, had retreated to Veii. It is probable that a large proportion of these were not sorry to have this opportunity of effecting what they had before attempted in vain, and wished to remain at Veii as their future country. Of the remaining inhabitants of Rome, the greater part dispersed, as the Athenians had done before the approach of Xerxes [37]; they took refuge with their families, and such of their effects as they could remove, in many of the neighbouring cities. But it was resolved, as at Athens, to maintain the citadel [38], for this, as in all the cities of the ancient world, was in a manner the sanctuary of the nation: it was the spot in which the temples of the nation's peculiar gods were built; and to this every feeling of patriotism, whether human merely or religious, was closely connected. This was the home of the true gods of Rome, and the citadel of the true Roman people, before the stranger commons, with their new gods, had pretended to claim the rights of Roman citizens; and many a patrician, indignant at the

[37] Diodorus, XIV. 115. Livy, V. 40.

[38] Diodorus, XIV. 115. Livy, V. 39. Florus says that the force which garrisoned the Capitol did not exceed a thousand men. I. 13.

retreat of the legions to Veii, and regarding this desertion as another proof that the commons were no genuine sons of Rome, retired into the Capitol with a resolution never to abandon that country and those gods, which he felt and might justly claim to be indeed his own.

The Vestal Virgins with the eternal fire withdraw to Cære.

But the citadel might be taken; the genuine Romans who defended it might be massacred: the temple of the three guardian powers of Rome, Jupiter, Juno, and Minerva, of the Capitol, might be profaned and destroyed. Still there had been a time when other gods had possessed the Capitol, and yet even then there was Rome, and there were Romans. Other powers and other rites were the pledge of Rome's existence, and if they failed, she must be lost for ever. The flamen of Quirinus [39], the deified founder of the city, and the Vestal Virgins, who watched the eternal fire, the type and assurance of its duration, must remove their holy things beyond the reach of the enemy, or if all could not be removed, what was left must be so hidden, that no chance should ever betray it. Accordingly the flamen and the Virgins of Vesta buried some of their holy things in the ground, in a spot preserved afterwards with the strictest care from every pollution; and whatever they could remove, they carried with them to Agylla or Cære. They went on their way, said the story [40], on foot; and as they were ascending the hill Janiculum, after having crossed the

[39] Livy, V. 40.

[40] Livy, V. 40.

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river and left the city, there overtook them on the ascent a man of the commons, L. Albinius by name, who was conveying his wife and children in a carriage to a place of safety. But when Lucius saw them, he bade his wife and children to alight, and he put into the carriage in their room the holy virgins and their eternal fire; "For it were a shame," said he, "that I and mine should be drawn in a carriage, while the Virgins of Vesta with their holy things were going on foot." So he conveyed them safe in the carriage to Cære.

The Gauls enter Rome.

Meantime the Gauls, it is said, hesitated for one whole day[41] to attack the city, suspecting that the apparent absence of all preparations for defence was but a snare to entice them to venture on an assault rashly. Thus the Romans gained a respite which was most needful to them; and when, on the third day after the battle, according to the ancient mode of reckoning, the enemy did force the gates and enter the city, the mass of the population had already escaped, and the Capitoline hill was, as well as cir-

[41] Diodorus makes them hesitate for two whole days, and thus to enter the city on the fourth day after the battle, according to the ancient manner of reckoning. The cause of the delay may indeed be a little misrepresented; after so great a victory, the conquerors indulged themselves for one whole day, as we can readily suppose, in excess, and in plundering all the surrounding country; and if their leader had pushed on to Rome, yet the force which he could induce to follow him might be so small, as to make him afraid to commence an attack upon so large a city. But it seems certain that the delay was of one day only, and not of two. Polybius says, that the Gauls took Rome three days after the battle; that is, after the interval of one whole day. II. 18. And the statement of Verrius Flaccus, preserved by Gellius, V. 17, and which has all the precision of a quotation from some official record, says, "post diem tertium ejus diei urbem captam esse."

cumstances would allow, provisioned and garrisoned. When the Gauls entered, their chiefs, it appears, established themselves on some of the houses on the Palatine hill[42], exactly opposite to the Capitol; and in the rest of the city the work of plunder and destruction raged freely.

The old patricians devote themselves to death for their country.

The mass of the commons had fled from Rome with their wives and children, or, having escaped from the rout at the Alia, had taken refuge at Veii. The flower of the patricians and of the citizens of the richer classes of an age to bear arms, had retired into the Capitol, to defend to the last that sanctuary of their country's gods. The flamen of Quirinus and the Vestal Virgins had departed with the sacred things committed to their charge out of the reach of danger. But there were other ministers of the gods[43], whom their duty did not compel to leave Rome, whom their age rendered unable to join in the defence of the Capitol, and who could not endure to be a burden upon those whose strength allowed them to defend it. They would not live the few remaining years of their lives in a foreign city; but as they could not serve their country by their deeds, they wished at least to serve it by their deaths. So they, and others of the old patricians who had filled the highest offices[44] in the Commonwealth, met together; and M. Fabius, the chief pontifex, recited a

[42] Diodorus, XIV. 115.

[43] Οἱ τῶν ἄλλων θεῶν ἱερεῖς, is Plutarch's expression, after mentioning the departure of the Vestal Virgins. Camillus, 21.

[44] Qui curules gesserant magistratus. Livy, V. 41.

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solemn form of words, which they each repeated after him, devoting to the spirits of the dead and to the earth, the common grave of all living, themselves, and the army of the Gauls together with themselves, for the welfare and deliverance of the people of the Romans and of the Quirites[45]. Then, as men devoted to death, they arrayed themselves in their most solemn dress; they who had held curule offices, in their robes of white with the broad scarlet border[46]; they who had won triumphs, in their robes of triumph overlaid with embroidery of many colours and with palm-branches of gold, and took their seats each on his ivory chair of magistracy in the gateway of his house. When the Gauls saw these aged men

[45] Plutarch, Camillus, 21. Livy mentions this account, though he does not expressly adopt it. V. 41. I have borrowed the "carmen devotionis," the form in which the old men devoted themselves, from the story of Decius in the great Latin war. He who devoted himself to death for his country, intended to offer himself to the powers of death, as a willing victim on the part of his own countrymen, that the other victims required by fate might be taken from the army of the enemy. To have prayed for victory simply, without any sacrifice on the part of the conquerors, was a tempting of Nemesis; but if the sacrifice was first offered, then the wrath of Nemesis would be turned against the enemy, that they too might have their portion of evil. The devoted offered himself "diis manibus telluriquæ." Livy, VIII. 9. Strictly, the dii manes were the spirits of a man's own ancestors, but they are addressed here as representatives of the powers of death generally. Tellus is of course the notion of the grave.

[46] The toga prætexta, or bordered toga. The toga, it is well known, was rather a shawl than a robe, but the word shawl would suit so ill with our associations of ancient Rome, that it would not be worth while to introduce it. The triumphal toga, toga picta, was like a rich Indian shawl worked with figures of various colours; it was thrown over the tunica palmata, the coat or frock worked with figures of palm-branches, probably in gold. The sella curulis was, as its name imports, the seat or body of the chariot, δίφρος, and when used by the curule magistrates at their tribunals, implied that they shared in the imperium or sovereign power held of old by the kings, one mark of which was the being borne in a chariot instead of walking on foot.

in this array of majesty, sitting motionless amidst the confusion of the sack of the city, they at first looked on them as more than human [47], and one of the soldiers drew near to M. Papirius, and began to stroke reverently his long white beard. Papirius, who was a minister of the gods, could not endure the touch of profane barbarian hands, and struck the Gaul over the head with his ivory sceptre. Instantly the spell of reverence was broken, and rage and the thirst of blood succeeded to it. The Gaul cut down the old Papirius with his sword; his comrades were kindled at the sight, and all the old men, according to their vow, were offered up as victims to the powers of death.

Blockade of the Capitol.

The enemy now turned their attention to the Capitol. But the appearance of the Capitoline hill in the fourth century of Rome can ill be judged of by that view which travellers obtain of its present condition. The rock, which is now so concealed by houses built up against it, or by artificial slopings of the ground, as to be only visible in a few places, formed at that time a natural defence of precipitous cliff all round the hill; and there was one only access to the summit from below, the clivus or ascent to the Capitol. By this single approach the Gauls tried to storm the citadel, but they were repulsed with loss [48]; and after this attempt they contented themselves with blockading the hill, and extending their devastations over the neighbouring

[47] Primo ut deos venerati deinde ut homines despicati interfecere. Auctor de viris illustr. in Camillo.

[48] Livy, V. 43.

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country of Latium. It is even said that they penetrated into the south of Italy; and a Gaulish army is reported to have reached Apulia[49], whilst a portion of their force was still engaged in blockading the Roman garrison in the Capitol.

Night assault on the Capitol repulsed by M. Manlius.

Meantime, the Romans who had taken refuge at Veii had recovered from their first panic, and were daily becoming more and more reorganized. It was desirable that a communication should be opened between them and the garrison of the Capitol; and a young man named Pontius Cominius[50] undertook the adventure. Accordingly he set out from Veii, swam down the Tiber, climbed up the cliff into the Capitol, explained to the garrison the state of things at Veii, and returned by the same way unhurt. But when the morning came, the Gauls observed marks on the side of the cliff, which told them that some one had made his way there, either up or down; the soil had in places been freshly trodden away, and the bushes which grew here and there on the face of the ascent had been crushed or torn from their hold, as if by some one treading on them or clinging to them for support. So being thus made aware that the cliff was not impracticable, they proceeded by night to scale it. The spot being supposed to be inaccessible, was not guarded; the

[49] Diodorus, XIV. 117. It was apparently this portion of the Gauls which offered its services to Dionysius, while he was engaged in his war with the Greeks of southern Italy. He enlisted some of them, and these were perhaps the very Gauls whom he afterwards sent into Greece to aid the Lacedæmonians against Epaminondas. Justin, XX. 5.

[50] Diodorus, XIV. 116.

top of the rock was not even defended by a wall. In silence and in darkness the Gauls made their way up the cliff; no sentinel perceived them; even the watch-dogs, said the story [51], heard them not, and gave no alarm. But on the part of the hill by which the enemy were ascending, stood the temple of the three guardian gods of the Capitol and of Rome, Jupiter, Juno, and Minerva; and in this precinct there were certain geese kept, which were sacred to Juno; and even amidst their distress for food, the Romans, said the old story, had spared the birds which were protected by the goddess. So now, in the hour of danger, the geese heard the sound of the enemy, and they began to cry in their fear, and to flap their wings; and M. Manlius, whose house was in the Capitol, hard by the temple, was aroused by them; and he sprang up and seized sword and shield, and called to his comrades, and ran to the edge of the cliff. And behold a Gaul had just reached the summit, when Marcus rushed upon him and dashed the rim of his shield into his face, and tumbled him down the rock. The Gaul as he fell bore down those who were mounting behind him; and the rest were dismayed, and dropped their arms to cling more closely to the rock; and so the Romans, who had been roused by the call of Marcus, slaughtered them easily, and the Capitol was saved. Then all so honoured the brave deed of Marcus Manlius, that each man gave him from his own scanty store one

[51] Livy, V. 47. Diodorus, XIV. 116.

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day's allowance of food, namely, half a pound of corn, and a measure containing five ounces in weight of wine[52]. Historically true in the substance, these stories are yet in their details so romantic, that I insensibly, in relating them, fall into the tone of the poetical legends.

The Gauls receive a sum of money from the Romans, and raise the blockade.

Six months[53], according to some accounts, seven or even eight months[54] according to others, did the Gauls continue to blockade the Capitol. The sickness of a Roman autumn did not, we are told, shake them from their purpose; the plunder which might be gained in other yet unwasted districts of Italy did not tempt them to abandon it. But is it possible to believe that barbarians could have shown such perseverance, or that in one day of preparation provisions could have been carried into the Capitol in sufficient quantities to hold out, even for a small garrison, during a siege of six or eight months[55]? Thus much however may safely be believed, that the garrison of the Capitol was at last reduced to extremity[56]; they offered to ransom themselves by the payment of a large sum of money, and the Gauls

[52] "Quartarios vini." Livy, V. 57. The quartarius, or the fourth part of the sextarius, was the twenty-fourth part of the congius; and as the congius contained ten pounds weight of water, the quartarius contained five ounces. It was a little more than the half of the Greek cotyle.

[53] Florus, I. 13.

[54] Polybius, II. 22, and Plutarch in Camill. 30, say "seven." Servius, Æn. VIII. 652, says "eight."

[55] If the Gauls stayed in Rome for so long a time, they must have left it in the middle of winter. Now it is said, that they hastened on their way homewards, because their own country was invaded by the Venetians; but barbarians would scarcely choose the depth of winter for an enterprise of this sort.

[56] Diodorus, XIV. 116.

were disposed, it is said[57], to accept the offer, because they heard that the Venetians, that nation of Illyrian blood who dwelt around the northern extremity of the Adriatic, had made an inroad into their own country beyond the Apennines. They consented therefore to the terms offered by the Romans; and a thousand pounds' weight of gold were to be collected from the offerings in the Capitoline temple, and from the treasures which had been carried into the Capitol before the siege from every part of Rome, that for this ransom the blockade might be raised. Even in accepting these terms, the Gaulish leader felt that he was admitting to mercy enemies whom he had wholly in his power. His weights, said the Roman story[58], were unfair; the Roman tribune of the soldiers, Q. Sulpicius, complained of the fraud, but the Gaul threw his heavy broadsword into the scale; and when the tribune again asked what he meant, he replied in words which may be best represented by an analogous English proverb, "It means that the weakest must go to the wall[59]."

Corruptions of the true story of the retreat of the Gauls.

Thus, according to the true version of this famous event, the Gauls returned from their inroad into Italy loaded with spoil and crowned with glory. That as soon as they were known to be retreating, the nations whom they had overrun should have recovered their courage, and have taken every opportunity to assail them on their march home, is perfectly

[57] Polybius, II. 18.
[58] Livy, V. 48.
[59] "Væ victis esse."

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probable; nor need we doubt that these attacks were sometimes successful, that many stragglers were cut off, and much plunder retaken. These stories were exaggerated, as was natural; and by degrees the Romans claimed the glory of them for themselves. We can almost trace the gradual fabrication of that monstrous falsehood which, in its perfected shape, so long retained its hold on Roman history. After the retreat of the Gauls from Rome, their countrymen who had advanced into Apulia returned from their expedition, and found the Romans in too weak a condition to do them any harm; but as they were on their march through the Roman territory, the people of Cære, or Agylla, laid an ambush for them, and cut off, it is said, the whole party[60]. To enhance the merit of this success, the Gauls who were cut off were next made to be the same party who had besieged the Capitol[61]; and it was added, that the people of Cære recovered the very gold which had been paid for the ransom of Rome. But the glory of such a trophy could not be left to strangers; the victory was soon transferred to the Romans; and it was Camillus who found the Gauls, a long time after their retreat from Rome, employed in besieging a city[62] in alliance with the Romans, who defeated them utterly, and won from them all their spoil. Lastly, the story was to be more entirely satisfactory

[60] Diodorus, XIV. 117.
[61] Strabo, V. p. 220.
[62] Diodorus, XIV. 117. The name of the city is wholly corrupt, Οὐεάσκιον.

to the Roman pride; Rome[63] was never ransomed at all; Camillus appeared with the legions from Veii just as the gold was being weighed out; as dictator he annulled the shameful bargain, drove the Gauls out of Rome, at the sword's point, and the next day defeated them so totally on their way home, eight miles from Rome, on the road to Gabii, that he left not a single man alive to carry to their countrymen the tidings of their defeat. Such a falsification, scarcely to be paralleled in the annals of any other people, justifies the strongest suspicion of all those accounts of victories and triumphs which appear to rest in any degree on the authority of the family memorials of the Roman aristocracy.

Conclusion.

What was the real condition of Rome and the neighbouring countries after this first Gaulish tempest had passed away; how the second period of Roman history begins in a darkness almost as thick as that which overhangs the beginnings of the first, but a darkness peopled by few of those forms, so beautiful though so visionary, which give so great a charm to the times of the kings; how faintly we can trace the formation of that great fabric of dominion and

[63] Livy, V. 49. If the Gauls who were besieging the Capitol received their ransom, and withdrew from Rome before the end of the autumn, while others of their countrymen remained in Italy through the winter, and did not return home till the first beginning of spring, Camillus may then have obtained some advantages over these last in their retreat, and may have obtained a triumph. In this case the exaggeration or confusion was easy, that the Gauls, after a stay of eight months in Rome, were at last driven out by Camillus; the period of their stay in Italy being mistaken for that of their occupation of Rome.

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polity which, when the light of day breaks, we find wellnigh in its complete proportions, it will be my endeavour to make appear in the second volume of this history.

CONSULS AND MILITARY TRIBUNES,

FROM THE BEGINNING OF THE COMMONWEALTH TO THE TAKING OF ROME BY THE GAULS.

Year of the Common-wealth.	Year of Rome, common reckoning.	Year before the Christian Æra.	Olym-piads.	Fasti Capitolini.	
1	245	508	68-1		
2	246	507	68-2		
3	247	506	68-3		
4	248	505	68-4	M. Valer. . . . P. Post	Cos. . . . CCXLVIII Cos. . . . CCXLVIII
5	249	504	69-1	P. Valerius . . .	Poplicol . . .
6	250	503	69-2	P. Postumi . . . Agrippa M . . .	Cos. II. . . . Ann. CCL Cos. . . . Ann. CCL
7	251	502	69-3	Sp. Cassius . . .	Cos. . . . Ann. CCLI
8	252	501	69-4		
9	253	500	70-1		
10	254	499	70-2		
11	255	498	70-3		
12	256	497	70-4		
13	257	496	71-1		
14	258	495	71-2		
15	259	494	71-3		
16	260	493	71-4		
17	261	492	72-1		
18	262	491	72-2		
19	263	490	72-3		
20	264	489	72-4		

MILITARY TRIBUNES.

Livy.	Diodorus.	Dionysius.
	[The tenth book of Diodorus being lost, we have no lists of Consuls from him earlier than the 21st year of the Commonwealth, according to Livy's "Fasti."]	L. Junius Brutus L. Tarquinius Collatinus
		P. Valerius II. T. Lucretius Dionys. V. 20.
L. Junius Brutus L. Tarquinius Collatinus, afterwards, in the same year, P. Valerius Publicola M. Horatius Pulvillus		P. Valerius III. M. Horatius II.[1] V. 21.
P. Valerius II. T. Lucretius Livy, II. 8.		Sp. Lartius T. Herminius V. 36.
P. Lucretius P. Valerius Publicola III. II. 15.		M. Valerius P. Postumius V. 37.
M. Valerius P. Postumius II. 16.		P. Valerius IV. T. Lucretius II. V. 40.
P. Valerius IV. T. Lucretius II. II. 16.		Agrippa Menenius P. Postumius V. 44.
Agrippa Menenius P. Postumius II. 16.		Opiter Virginius Sp. Cassius V. 49.
Opiter Virginius Sp. Cassius II. 17.		Postumus Cominius T. Lartius V. 50.
Postumus Cominius T. Lartius II. 18.		Ser. Sulpicius M'. Tullius V. 52.
Ser. Sulpicius M'. Tullius II. 19.		P. Veturius P. Æbutius V. 58.
T. Æbutius C. Veturius II. 19.		T. Lartius Q. Clœlius Siculus V. 59.
Q. Clœlius T. Lartius II. 21.		A. Sempronius M. Minucius V. 77.
A. Sempronius M. Minucius II. 21.		A. Postumius T. Virginius VI. 2.
A. Postumius T. Virginius II. 21.		Ap. Claudius P. Servilius VI. 23.
Ap. Claudius P. Servilius II. 21.		A. Virginius T. Veturius VI. 34.
A. Virginius T. Veturius II. 28.		Postumus Cominius Sp. Cassius II. VI. 49.
Sp. Cassius Postumus Cominius II. 33.		T. Geganius P. Minucius VII. 1.
T. Geganius P. Minucius II 34.		M. Minucius A. Sempronius VII. 20.
M. Minucius A. Sempronius II. 34.		Q. Sulpicius Ser. Lartius VII. 68

[1] Dionysius agrees also with Livy in making P. Valerius and M. Horatius consuls in year, after the banishment of Collatinus and the death of Brutus.

Year of the Common-wealth.	Year of Rome.	Year before the Christian Æra.	Olym-piads.	Fasti Capitolini.
21	265	488	73-1	
22	266	487	73-2	
23	267	486	73 3	
24	268	485	73-4	
25	269	484	74-1	
26	270	483	74-2	
27	271	482	74-3	 Vibulanus II.
28	272	481	74-4	. . . N Fusus
29	273	480	75-1	 ibulanus II.
30	274	479	75-2	. . . T.N. . . . Tricost Rutil. . . .
31	275	478	75-3	 ctus Ahala
32	276	477	75-4	 Lanatus
33	277	476	76-1	 uctus
34	278	475	76-2	 utilus eisque Ann. CCLXXIIX
35	279	474	76-3	. . . um F VIII Ann. CCLXXIX
36	280	473	76-4	 Iulus
37	281	472	77-1	 sus
38	282	471	77-2	
39	283	470	77-3	
40	284	469	77-4	
41	285	468	78-1	A.CCXX
42	286	467	78 2	
43	287	466	78-3	Sp. Postumius A.F.P.N. Albus Regi

Livy.		Diodorus.		Dionysius.	
Sp. Nautius Sex. Furius	II. 39.			C. Julius P. Pinarius	VIII. 1.
T. Sicinius C. Aquillius	II. 40.			Sp. Nautius Sex. Furius	VIII. 16.
Sp. Cassius Proculus Virginius	II. 41.			C. Aquilius T. Siccius	VIII. 64.
Ser. Cornelius Q. Fabius	II. 41.			Proculus Virginius Sp. Cassius III.	VIII. 68.
L. Æmilius K. Fabius	II. 42.			Q. Fabius Ser. Cornelius	VIII. 77.
M. Fabius L. Valerius	II. 42.			L. Æmilius K. Fabius	VIII. 83.
Q. Fabius C. Julius	II. 43.			A.U.C. 270, according to Dionysius M. Fabius L. Valerius	VIII. 87.
K. Fabius Sp. Furius	II. 43.			C. Julius Q. Fabius	VIII. 90.
M. Fabius Cn. Manlius	II. 43.	Sp. Cassius Proclus Virginius	XI. 1.	K. Fabius II. Sp. Furius	IX. 1.
K. Fabius T. Virginius	II. 48.	Q. Fabius Silvanus Ser. Cornelius	XI. 27.	Cn. Manlius M. Fabius II.	IX. 5.
L. Æmilius C. Servilius	II. 49.	K. Fabius L. Æmilius	XI. 38.	K. Fabius T. Virginius	IX. 14.
C. Horatius T. Menenius	II. 51.	M. Fabius L. Valerius	XI. 41.	L. Æmilius C. Servilius	IX. 16.
A. Virginius Sp. Servilius	II. 51.	Kæso Fabius Sp. Furius	XI. 48.	C. Horatius T. Menenius	IX. 18.
C. Nautius P. Valerius	II. 52.	M. Fabius Cn. Manlius	XI. 50.	Ser. Servilius A. Virginius	IX. 25.
L. Furius C. Manlius	II. 54.	K. Fabius T. Virginius	XI. 51.	P. Valerius C. Nautius	IX. 28.
L. Æmilius Opiter Virginius, or Vopiscus Julius	II. 54.	L. Æmilius Mamercus C. Cornelius Lentulus	XI. 52.	A. Manlius L. Furius	IX. 36.
L. Pinarius P. Furius	II. 56.	T. Minucius C. Horatius	XI. 53.	L. Æmilius Vopiscus Julius	IX. 37.
Ap. Claudius T. Quintius	II. 56.	A. Virginius Tricostus C. Servilius Structus	XI. 54.	L. Pinarius P. Furius	IX. 40.
L. Valerius Ti. Æmilius	II. 61.	P. Valerius C. Nautius Rufus	XI. 60.	T. Quintius Ap. Claudius	IX. 43.
T. Numicius A. Virginius	II. 63.	L. Furius + Mediolanus + M. Manlius Vaso	XI. 63.	L. Valerius II. Ti. Æmilius	IX. 51.
T. Quintius Q. Servilius	II. 64.	L. Æmilius Mamercus L. + Studius + Iulus	XI. 65.	A. Virginius T. Numicius	IX. 56.
Ti. Æmilius Q. Fabius	III. 1.	L. Pinarius Mamertinus P. Furius + Fifron +	XI. 66.	T. Quintius Capitolinus II. Q. Servilius Priscus	IX. 57.
Q. Servilius Sp. Postumius	III. 2.	Ap. Claudius T. Quintius Capitolinus	XI. 67.	Ti. Æmilius II. Q. Fabius	IX. 59.

Year of the Commonwealth.	Year of Rome.	Year before the Christian Æra.	Olympiads.	Fasti Capitolini.
44	288	465	78-4	Q. Fabius M.F.K.N. Vibulan
45	289	464	79-1	A. Postumius A.F.P.N. Albus Regill
46	290	463	79-2	P. Servilius Sp : F.P.N. Prisc.
47	291	462	79-3	L. Lucretius T.F.T.N. Tricipitinu
48	292	461	79-4	B. Volumnius M.F.M.N. Amintin. Gallus.
49	293	460	80-1	P. Valerius P. F. Volusi N. Poplicola II. in Mag. Mortuus est. In ejus L.F.E. L. Quinctius L.F.L.N. Cincinnatus
50	294	459	80-2	Q. Fabius M.F.K.N. Vibulanus III. Maluginesis V.
51	295	458	80 3	C. Nautius Sp : F. Sp : N. Rutilus II. . . . Carven . . . In M. Mortuus est. In ejus L. F. est L. Minucius P.F.M.N. Esquilin. Augurin
52	296	457	80-4	C. Horatius M.F.L.N. Pulvillus II. Q. Minucius P.F.M.N. Esquilinus
53	297	456	81-1	M. Valerius M'. F. Volusi N. Maximus Sp. Verginius A.F.A. . . . Tricost. Cœliomont.
54	298	455	81-2	T. Romilius T.F.T.N. Rocus Vaticanus C. Veturius P. Cicurinus
55	299	454	81-3	Sp. Tarpeius M.F.M.N. Montan. Capitolin. A. Aternius Varus Fontinalis
56	300	453	81-4	Sex. Quintilius Sex. F.P.N. P. Curiati N. Fistus Trigemin
57	301	452	82-1	P. Sestius Q.F. Vibi N. Capito ticanus T. Menen F. Agripp. N. Lanatus
58	302	451	82-2	Ap. Claudius Ap. F.M.N. Crassin gill Sabinus II. T. Genu Augurinus Ap. Claudius, Ap. F.M.N. Crassin : T. Genucius L.F.L.N. Augurin : Sp. Veturius, Sp. F.P.N. Cr. . . . sus Cicurinus, C. Julius C.F.L.N. Iulus. A. Manlius, Cn. F.P.N. Vulso Decemviri Consular rio Legibus S
59	303	450	82-3	Ap. Claudius Crassin Regil. . . Sabin. M. Cor r. N. Maluginesis Esquilin linus Augurin Mere

Livy.	Diodorus.	Dionysius.
Q. Fabius T. Quintius III. 2.	L. Valerius Publicola T. Æmilius Mamercus XI. 69.	Sp. Postumius Albinus Q. Servilius Priscus II. IX. 60.
A. Postumius Sp. Furius III. 4.	A. Virginius T. Minucius XI. 70.	T. Quintius Capitolinus III. Q. Fabius Vibulanus II. IX. 61.
L. Æbutius, P. Servilius } Kal. Sext. ineunt magistrat. III. 6.	T. Quintius Q. Servilius Structus XI. 71.	A. Postumius Albus Ser. Furius IX. 62.
L. Lucretius, T. Veturius } A. d. III. Id. Sext. III. 8.	Q. Fabius Vibulanus Ti. Æmilius Mamercus XI. 74.	L. Æbutius P. Servilius Priscus IX. 67.
P. Volumnius Ser. Sulpicius III. 10.	Q. Servilius Sp. Postumius Albinus XI. 75.	L. Lucretius T. Veturius Geminus IX. 69.
C. Claudius P. Valerius III. 15.	Q. Fabius T. Quintius Capitolinus XI. 77.	P. Volumnius Ser. Sulpicius Camerinus X. 1.
Q. Fabius Vibulanus L. Cornelius Malugin. III. 22.	A. Postumius Regulus XI. 78. Sp. Furius + Mediolanus +	P. Valerius C. Claudius Sabinus X. 9.
L. Minucius C. Nautius III. 25.	P. Servilius Structus L. Æbutius Alvas XI. 79.	Q. Fabius Vibulanus III. L. Cornelius X. 20.
Q. Minucius C. Horatius III. 30.	L. Lucretius XI. 81. T. Veturius + Cichorinus +	C. Nautius II. L. Minucius X. 22.
M. Valerius Sp. Virginius III. 31.	Ser. Sulpicius XI. 84. P. Volumnius Amentinus	C. Horatius Q. Minucius X. 26.
T. Romilius C. Veturius III. 31.	P. Valerius C. Clodius Regillus XI. 85.	M. Valerius Sp. Virginius X. 31.
Sp. Tarpeius A. Aterius III. 31.	Q. Fabius Vibulanus L. Cornelius Curitinus XI. 86.	T. Romilius C. Veturius X. 33.
P. Curiatius Sex. Quintilius III. 32.	C. Nautius Rutilus L. Minucius + Carutianus + XI. 88.	Sp. Tarpeius A. + Termenius + X. 48.
C. Menenius P. Sestius III. 32.	[This year is wanting.]	P. Horatius Sex. Quintilius X. 53.
Ap. Claudius, T. Genucius } Coss. design. Ap. Claudius, T. Genucius, P. Sestius, L. Veturius, C. Iulius, A. Manlius, Ser. Sulpicius, P. Curatius, T. Romilius, Sp. Postumius. Decemviri Legg. scribendis. III. 33.	L. Postumius M. Horatius XI. 91.	L. Menenius P. Sestius X. 54.
Ap. Claudius, M. Cornelius Maluginensis, M. Sergius, L. Minucius, Q. Fabius Vibulanus, Q. Pœtelius, T. Antonius Merenda, K. Duilius, Sp. Oppius Cornicen, M'. Rabuleius. Decemviri Legg. scribendis. III. 35.	L. Quintius Cincinnatus M. Fabius Vibulanus XII. 3.	Ap. Claudius, T. Genucius } Coss. design. X. 56. Ap. Claudius, T. Genucius, P. Sestius, P. Postumius, Ser. Sulpicius, A. Manlius, T. Romilius, C. Iulius, T. Veturius, P. Horatius. Decemviri legibus scribendis.

Year of the Commonwealth.	Year of Rome.	Year before the Christian Æra.	Olympiads.	Fasti Capitolini.
60	304	449	82-4	. . . tius M.F Barbatus . . . Sabin . . . Ann : CCCIV VII K. Sept: ius P.F.P.N. Poplicola Potit De Æqueis Idibus Sextil. Ann : CCCIV.
61	305	448	83-1	
62	306	447	83-2	
63	307	446	83-3	
64	308	445	83-4	
65	309	444	84-1	
66	310	443	84-2	nius M inus De Ann. CCCX nis Sep . . .
67	311	442	84-3	
68	312	441	84-4	
69	313	440	85-1	
70	314	439	85-2	
71	315	438	85-3	
72	316	437	85-4	 us Ann. CCCXVI Idib. Se
73	317	436	86-1	
74	318	435	86-2	
75	319	434	86-3	
76	320	433	86-4	
77	321	432	87-1	

Livy.	Diodorus.	Dionysius.
The same Decemvirs. III. 38.	M. Valerius Lactuca Sp. Virginius Tricostus XII. 4.	Ap. Claudius, Q. Fabius, M. Cornelius, M. Sergius, L. Minucius, T. Antonius, M'. Rabuleius, Q. Pœtilius, Kæso Duillius, Sp. Oppius. Decemviri Legg. scribendis. X. 58.
L. Valerius M. Horatius III. 55.	T. Romilius Vaticanus XII. 5. C. Veturius + Cichorius +	The Decemvirs as before. X. 61.
Lar Herminius T. Virginius III. 65.	Sp. Tarpeius XII. 6. A. + Asterius + Fontinius +	L. Valerius Potitus M. Horatius Barbatus XI. 45.
M. Geganius Macerinus C. Julius III. 65.	Sex. + Quintius + ... Trigeminus XII. 7.	Lar Herminius T. Virginius XI. 51.
T. Quinctius Capitolinus IV. Agrippa Furius III. 66.	T. Menenius P. Sestius Capitolinus XII. 22.	M. Ge[ganius XI. 51. C. Julius] The names are almost lost in the MS.
M. Genucius C. Curtius IV. 1.	Decemvirs: names given corruptly. XII. 23.	[This year is wanting.]
A. Sempronius, L. Atilius, T. Cœlius } Tribb. Milit. IV. 7.	Decemvirs: names again corrupt. XII. 24.	M. Genucius C. Quintius XI. 52.
M. Geganius Macerinus II. T. Quinctius Capitolinus V. IV. 8.	+ Cancus + Horatius L. Valerius + Turpinus + XII. 26.	A. Sempronius Atrat., L. Atilius Longus, T. Cœlius Siculus } Tribb. Milit. XI. 62.
M. Fabius Vibulanus Postumus Æbutius Cornicen IV. 11.	Larinus Herminius T. + Stertinius + Structus XII. 27.	M. Geganius Macerinus II. T. Quinctius Capitolinus V. XI. 63.
C. Furius Pacilus M. Papirius Crassus IV. 12.	L. Julius M. Geganius XII 29.	Here the regular history of Dionysius breaks off; the rest being lost, with the exception of fragments.
Proculus Geganius Macerinus L. Menenius Lanatus IV. 12.	T. Quintius Agrippa Furius XII. 30.	
T. Quintius Capitolinus VI. Agrippa Menenius IV. 13.	M. Genucius Agrippa Curtius Chilo. XII. 31.	
Mam. Æmilius, L. Quinctius Cincinnatus, L. Julius } Tribb. Milit. IV. 16.	A. Sempronius, L. Atilius, T. Quintius } Tribb. Milit. XII. 32.	
M. Geganius Macerin. III. L. Sergius Fidenas IV. 17.	T. Quinctius XII. 33. M. Geganius Macerinus	
M. Cornelius Maluginensis L. Papirius Crassus IV. 21.	M. Fabius XII. 34. Postum. Æbutius + Vulecus +	
C. Julius II. L. Virginius IV. 21.	Q. Furius Fusus M'. Papirius Crassus XII. 35.	
M. Manlius, Q. Sulpicius } or { C. Julius III., L. Virginius II. IV. 23.	T. Menenius Proclus Geganius Macerinus XII. 36.	
M. Fabius Vibulanus, M. Foslius, L. Sergius Fidenas } Tribb. Milit. IV. 25.	T. Quinctius + Nittus + Menenius XII. 37.	

Year of the Commonwealth.	Year of Rome.	Year before the Christian Æra.	Olympiads.	Fasti Capitolini.
78	322	431	87-2	
79	323	430	87 3	
80	324	429	87-4	
81	325	428	88-1	
82	326	427	88 2	
83	327	426	88-3	
84	328	425	88-4	
85	329	424	89-1	
86	330	423	89-2	
87	331	422	89-3	 Mugillan.
88	332	421	89-4	 tolin Barbat. N. Fabius . . .
89	333	420	90-1	 Cincinnatus II. M. Manl dullinus III. A. Sempro
90	334	419	90-2	 ripp. N. Lanatus Sp. Nautius Tricipitinus C. Servilius
91	335	418	90-3	 Mugillanus C. Servilius Q.F.C.N. Axilla II. L. Sergius C.F.C.N. Fidenas III. Q. Servilius P.F. Sp: N. Priscus Fidenas II. D . . . C Q.F.C.N. Axilla Mag Cens. L. Papirius M'. F.

Livy.	Diodorus.	Dionysius.
L. Pinarius Mamercinus L. Furius Medullinus Sp. Postumius Albus — Tribb. Milit. IV. 25.	M'. Æmilianus Mamercus C. Julius L. Quintius — Tribb. Milit. IV. 38.	
T. Quintius Cincinnatus C. Julius Mento — IV. 26.	M. Geganius L. Sergius — XII. 43.	
L. Papirius Crassus L. Julius — IV. 30.	L. Papirius — XII. 46. A. Cornelius † Macerinus †	
L. Sergius Fidenas II. Hostus Lucretius Tricipitinus — IV. 30.	C. Julius Proclus Virginius Tricostus — XII. 49.	
A. Cornelius Cossus T. Quintius Pennus II. — IV. 30.	M. Manlius Q. Sulpicius Prætextatus Sor. Cornelius Cossus — Tribb. Milit. IV. 53.	
C. Servilius Ahala L. Papirius Mugillanus — IV. 30.	M. Fabius M. † Falinius † L. † Servilius † — Tribb. Milit. XII. 58.	A. Cornelius Cossus II. T. Quintius II. XII. 3. Frag. Vatican.
T. Quintius C. Furius M. Postumius A. Cornelius Cossus — Tribb. Milit. IV. 31.	L. Furius Sp. Pinarius C. † Metellus † — Tribb. Milit. XII. 60.	
A. Sempronius Atratinus L. Quintius Cincinnatus L. Furius Medullinus L. Horatius Barbatus — Tribb. Milit. IV. 35.	T. Quintius C. Julius — XII. 65.	
Ap. Claudius Sp. Nautius Rutilus L. Sergius Fidenas Sex. Julius — Tribb. Milit. IV. 35.	C. Papirius L. Julius — XII. 72.	
C. Sempronius Atratinus Q. Fabius Vibulanus — IV. 37.	Opiter Lucretius L. Sergius Fidenas — XII. 73.	
L. Manlius Capitolinus Q. Antonius Merenda L. Papirius Mugillanus — Tribb. Milit. IV. 42.	T. Quintius A. Cornelius Cossus — XII. 75.	
N. Fabius Vibulanus T. Quintius Capitolinus. — IV. 43.	L. Quintius A. Sempronius — XII. 77.	
L. Quinctius Cincinnatus III. L. Furius Medullinus II. M. Manlius A. Sempronius Atratinus — Tribb. Milit. IV. 44.	L. Papirius Mugillanus C. Servilius Structus — XII. 78.	
Agrip. Menenius Lanatus P. Lucretius Tricipitinus Sp. Nautius Rutilus — Tribb. Milit. IV. 45.	C. Furius T. Quintius M. Postumius A. Cornelius — Tribb. Milit. XII. 80.	

Year of the Commonwealth.	Year of Rome.	Year before the Christian Æra.	Olympiads.	Fasti Capitolini.
92	336	417	90-4	P. Lucretius Hosti F Agrippa Menenius T.F.
93	337	416	91-1	A. Sempronius L.F.A.N. Q. Fabius Q.F.M.N.
94	338	415	91-2	P. Cornelius P.N. C. Valerius L.F. Volusi N.
95	339	414	91-3	Q. Fabius Q.F.M.N. P. Postumius A.F.A.N.
96	340	413	91-4	
97	341	412	92-1	
98	342	411	92-2	
99	343	410	92-3	
100	344	409	92-4	 A.F.M.N. Medullin : II.
101	345	408	93-1	TR. MIL. Vopisci N. Iulus A.F.M.N. Cossus F.Q.N. Ahala
102	346	407	93-2	 Potit : Volusus II. C. Servilius P.F.Q.N. Ahala II. TR. MIL. Medullinus N. Fabius Q.F.M.N. Vibulanus II.
103	347	406	93-3	 tilus Cossus L. Valerius L.F.P.N. Potitus II. Cossus N. Fabius M.F.Q.N. Ambustus.

Livy.	Diodorus.	Dionysius.
ius Fidenas rius Mugilla- } Tribb. Milit. ilius Priscus IV. 45.	L. Furius L. Quintius A. Sempronius } Tribb. Milit. XII. 81.	
Menenius La- II. ilius Structus etius Tricipi- II. ilius Crassus } Tribb. Milit. IV. 47.	T. Claudius Sp. Nautius L. † Sentius † Sex. Julius } Tribb. Milit. XII. 82.	
pronius Atra- II. rius Mugilla- . iusRutilusII. } Tribb. Milit. IV. 47.	† Sergius Lucius † M. Papirius M. Servilius } Tribb. Milit. XIII. 2.	
elius Cossus rius Potitus tius Cincin- us Vibulanus } Tribb. Milit. IV. 49.	P. Lucretius C. Servilius Agrippa Menenius Sp. Veturius } Tribb. Milit. XIII. 7.	
nelius Cossus rius Potitus us Vibulanus umius Regil- } Tribb. Milit. IV. 49.	A. Sempronius M. Papirius Q. Fabius Sp. Nautius } Tribb. Milit. XIII. 9.	
elius Cossus is Medullinus } Coss. IV. 51.	P. Cornelius C. Fabius } Tribb. Milit. XIII. 34.	
us Ambustus us Pacilus } Coss. IV. 52.	T. Postumius C. Cornelius C. Valerius K. Fabius } Tribb. Milit. XIII. 38.	
riusAtratinus ius Rutilus } Coss. IV. 52.	M. Cornelius L. Furius } Coss. XIII. 43.	
ilius rius Potitus } Coss. IV. 53.	Q. Fabius C. Furius } Coss. XIII. 54.	
nelius Cossus is Medullinus } Coss. IV. 54.	M. Papirius Sp. Nautius } Coss. XIII. 68.	
s Iulus elius Cossus lius Ahala } Tribb. Milit. IV. 56.	C. †Manius† Æmilius C. Valerius } Coss. XIII. 76.	
is Medullinus ius PotitusII. us Vibulanus lius Ahala II. } Tribb. Milit. IV. 57.	L. Furius Cn. † Pompeius } Coss. XIII. 80.	

Year of the Common-wealth.	Year of Rome.	Year before the Christian Æra.	Olym-piads.	Fasti Capitolini.
104	348	405	93-4	 Iulus II. M' Aimilius Mam. F.M.N. Mamercinus. lin. Barb : L. Furius L. F. Sp : N. Medullinus II. nnatus. Tr. Mil. A. Manlius A.F. Cn : N. Vulso Capolin.
105	349	404	94-1	 uginensis Sp : Nautius Sp : F. Sp : N. . . . utilus III. sus II. C. Valerius L. F. Vol : N. Potit : Volus : III. F.Q.N. Ambustus M' Serg. Fidenas Tr. Mil.
106	350	403	94-2	. . . ius Mam. F.M.N. . . n. II. M. Fur Fusus dius P.F. Ap : N. s. Tr. Mil. L. Juli . . . Iulus nctilius L.F.L.N. s. L. Vuler . . . P.N. Potitus III. . . . ens. M. Furius L.F. Sp : N.C. Postumius A.F.A.N. Albinus Regillens. L.F. XVI.
107	351	402	94-3	. . . rvilius P.F.Q.N. Ahal . . . Q. Sulpicius Ser : F. Ser : N. Camerin. Cornut. Q.F.P.N. Fiden. A. Manlius A.F. Cn : N. Vulso Capitol : II. . . irginius L.F. Opetr. N. Tricost : Esqui . . M' Sergius L.F.L.N. Fidenas II. Tr. Mil.
108	352	401	94-4	. . . urius L.F. Sp : N. Camillus L. Julius L. F. Vopisci N. Iulus . . . rnelius P.F.A.N. Cossus III. M' Aimilius Mam : F.M.N. Mamercinus III. . . . rius L.F.P.N. Potitus IV. K. Fabius M.F.Q.N. Ambustus II. Tr. Mil.
109	353	400	95-1	. . . lius M.F. Cn : N. Vulso P. Maelius Sp : F. C.N. Capitolinus us P.F.P.N. Calvus Esquilinus Sp. F . . . ius L.F. Sp : N. Medullinus us L.F.M'N. Pansa Saccus L. Poblilius L.F. Voler. N. Philo Vulscus Tr. Mil.
110	354	399	95-2	. . . cius M.F.M.N. Augurinus C. Duilius K.F.K.N. Longus s L.F.L.N. Priscus M. Veturius Ti. F. Sp : N. Crass. Cicurin. . . . onius L.F.L.N. Rufus Voler. Poblilius P.F. Voler. N. Philo Tr. Mil.

Livy.		Diodorus.		Dionysius.
rnelius Cossus ornelius Cossus ıbius Ambustus lerius Potitus	Tribb. Milit. IV.58.	C. Julius P. Cornelius C. Servilius	Tribb. Milit. XIII. 104.	
ıintius Capitoli- ;uintius Cincin- s ius Iulus II. ınlius ırius Medullinus Emilius Mamer- s	Tribb. Milit. IV.61.	C. Furius C. Servilius C. Valerius N. Fabius	Tribb. Milit. XIV. 3.	
erius Potitus III. ergius Fidenas rnelius Malugi- ıis ornelius Cossus .bius Ambustus Iautius Rutilus	Tribb. Milit. IV.61.	P. Cornelius N. Fabius L. Valerius † Terentius Maximus †	Tribb. Milit. XIV. 12.	
Emilius Mamer- s II. erius Potitus III. laudius Crassus ıintilius Varus lius Iulus ostumius ırius Camillus ostumius Albinus	Tribb. Milit. V. 1.	T. Quintius C. Julius A. Manlius	Tribb. Milit. XIV. 17.	
vilius Ahala III. rvilius rginius lpicius ınlius II. rgius Fidenas II.	Tribb. Milit. V. 8.	P. Cornelius K. Fabius Sp. Nautius C. Valerius M'. Sergius † Junius Lucullus †	Tribb. Milit. XIV. 19.	
erius Potitus IV. ırius Camillus II. Emilius Mamer- s III. rnelius Cossus II. .bius Ambustus II. lius Iulus	Tribb. Milit. V. 10.	M'. Claudius M. Quintius L. Julius M. Furius L. Valerius	Tribb. Milit. XIV. 35.	
inius Calvus enius inius elius rius Medullinus blilius Volscus	Tribb. Milit. V. 12.	C. Servilius L. Virginius Q. Sulpicius A. Manlius † Capitus † Claudius M. † Ancus †	Tribb. Milit. XIV. 38.	

Year of the Commonwealth.	Year of Rome.	Year before the Christian Æra.	Olympiads.	Fasti Capitolini.
111	355	398	95-3	 s L.F.P.N. Potitus V. L. Furiu . . F. Sp : N. Medullin. III. M.F.M.N. Lactucin. Maxum. Q. Servilius us II. Q. Sulpicius Ser. Tr. Mil.
112	356	397	95-4	 s II. L. Sergius M'F.L.N. nus IV. P. Cornelius P.F. nus A. Manlius A.F.C.
113	357	396	96-1	. . . accus II. . . squilinus II. Q. Manlius A.F. Cn. Genuciu Capitolinus II. L. Atilius L. N. Camillus Di F.M.N. Maluginensis Mag
114	358	395	96-2	 Cossus L. Fu Scipio stus III.
115	359	394	96-3	 s III.
116	360	393	96-4	
117	361	392	97-1	

Livy.	Diodorus.	Dionysius.
ırius ıponius ius 'ublilius ıucius us — Tribb. Milit. V. 13.	L. Iulius M. Furius M. Æmilius Cn. Cornelius K. Fabius Sex. + Paulus + — Tribb. Milit. XIV. 44.	
·ius Potitus V. rius Maximus ·ius Camillus us Medullinus 'ilius Fidenas ıcius Cameri- I. — Tribb. Milit. V. 14.	P. Manlius Sp. + Manius + L. Furius — Tribb. Milit. XIV. 47.	
ıs Iulus II. us Medullinus ius Fidenas tumius Regil- ıelius Malugi- ılius — Tribb. Milit. V. 16.	Cn. Genucius L. Atilius M. Pomponius C. Duilius M. Veturius + Valerius + Publilius — Tribb. Milit. XIV. 54.	
ıius Calvus ıius ıius ius ıucius us — Tribb. Milit. V. 18.	L. Valerius M. Furius Q. Servilius Q. Sulpicius Claudius + Ugo + + Marius Appius + — Tribb. Milit. XIV. 82.	
ıelius Cossus ıelius Scipio ·rius Maximus ius Ambustus us Medullinus ·ilius III. — Tribb. Milit. V. 24.	L. Sergius A. Postumius P. Cornelius Sex. + Censius + Q. Manlius + Anitius + Camillus — Tribb. Milit. XIV. 85.	
usCamillus IV. us Medullinus ilius rius Publicola tumius ıelius II. — Tribb. Milit. V. 26.	L. Titinius P. Licinius P. Mælius Q. Manlius Cn. Genucius Atilius — Tribb. Milit. XIV. 90.	
·etius Flavus picius Cameri- — Coss. V. 29.	P. + Sextus + + Cornelius Crassus + K. Fabius L. Furius Q. Servilius M. Valerius — Tribb. Milit. XIV. 94.	

Year of the Commonwealth.	Year of Rome.	Year before the Christian Æra.	Olympiads.	Fasti Capitolini.
118	362	391	97-2	
119	363	390	97-3	
120	364	389	97-4	
121	365	388	98-1	
122	366	387	98-2	
123	367	386	98-3	
124	368	385	98-4	
125	369	384	99-1	
126	370	383	99-2	
127	371	382	99-3	
128	372	381	99-4	

Livy.	Diodorus.	Dionysius.
erius Potitus nlius Capitoli- } Coss. V. 31.	M. Furius C. Æmilius } Tribb. Milit. + Catulus Verus + XIV. 97.	
retius ulpicius nilius ius Medullinus } Tribb. Milit. a Furius ilius II. V. 32.	L. Lucretius Ser. + Casson + } Coss. XIV. 99.	
ius Ambustus ius Ambustus ius Ambustus icius Longus } Tribb. Milit. vilius IV. rnelius Malu- sis V. 36.	L. Valerius A. Manlius } Coss. XIV. 103.	
ius Publicola II. ginius nelius } Tribb. Milit. ilius ilius tumius VI. 1	L. Lucretius Ser. Sulpicius C. Æmilius } Tribb. Milit. C. + Rufus + XIV. 107.	
	Q. + Kæso + + Æmus + Sulpicius K. Fabius } Tribb. Q. Servilius } Milit. P. Cornelius M. + Claudius + XIV. 110.	
	M. Furius + Caius + + Æmilius + } Tribb. Milit. XV. 2.	
	L. Lucretius Ser. Sulpicius } Coss. XV. 8.	
	L. Valerius A. Manlius } Coss. XV. 14.	
	L. Lucretius + Sentius + Sulpicius } Tribb. L. Æmilius } Milit. L. Furius XV. 15.	
	Q. Sulpicius C. Fabius Servilius Cornelius } Tribb. P. + Ugo + } Milit. Sex. + Anius + Caius + Marcus + XV. 20.	
	P. Cornelius L. Virginius L. Papirius M. Furius } Tribb. Milit. A. Valerius L. Manlius Q. Postumius XV. 22.	

EXPLANATION OF THE TABLES.

THE preceding tables exhibit a view of the lists of consuls and military tribunes from the beginning of the Commonwealth to the Gaulish invasion, according to four distinct authorities; the remains of the Fasti Capitolini, Livy, Diodorus Siculus, and Dionysius of Halicarnassus. And I have endeavoured to arrange each list according to the chronology adopted by its own particular author; so that as this chronology varies, the same year will be found marked by the names of different sets of consuls, according as we prefer one of these four authorities to the other.

I. The principal fragments of the Fasti Capitolini were discovered in the year 1546, in the course of some excavations which were then being made on the ground of the ancient Forum. They have been preserved in the museum of the Capitol, and their contents have been long known to the world, as they have been often published. My extracts have been taken from the edition of Sigonius; and I have been careful to give them in their genuine state, without noticing the additions by which Sigonius attempted to supply from conjecture the lost or effaced words of the original marble.

It happened, however, that about two hundred and seventy years after the discovery of these fragments, two other fragments of the same marble were brought to light in the course of a new excavation in the Forum, on the very spot where the former remains had been found. This was in the years 1817 and 1818; and Signor Borghesi, an

eminent Italian antiquary, published a fac-simile of these new portions of the Fasti, and illustrated them in two able memoirs published at Milan in the year 1818. The new pieces joined on exactly with those discovered before; so that in several instances a word, of which only one syllable had been preserved in the former fragments, was now completed by the discovery of the remaining syllable, after an interval of nearly three centuries. Both of these new portions of the marble relate to the period of Roman history contained in the present volume: I have therefore copied their contents from Borghesi's edition, and incorporated them with the older fragments published long ago by Sigonius.

These Fasti do not notice the Greek Olympiads; but they preserve in several places notices of the years from the foundation of Rome. Thus the consulship of Sex. Quinctilius and P. Curiatius is placed in the year 300, and the triumph of the consuls who immediately succeeded the decemvirate, M. Horatius and L. Valerius, is assigned to the month of August, 304. It appears then that these Fasti only allow two years to the decemvirate, and not three; and moreover, that they place its commencement in the year 302, agreeing in that respect with the chronology of Livy.

II. Livy also makes no mention of the Greek chronology; but he too, from time to time, notices the years from the building of Rome. Thus he places the first institution of the military tribuneship in 310 (IV. 7.), and the beginning of the decemvirate in 302. (III. 33.) Taking these two dates for my starting points, I have calculated from them the dates of the years before and after them, according to Livy's list of consuls. This brings the date of the expulsion of the Tarquins to the year 247; but then it seems probable that Livy has omitted the consuls of the fourth year of the Commonwealth by accident; and it seems as if he had

omitted those of one or two years more at the beginning of the great Volscian war of Coriolanus. With the addition of these three years, the first year of the Commonwealth would become the year 244, which would agree with Livy's own calculation of the reigns of the several kings; but as my object in these tables was rather to give the actual chronology of the several authorities than to endeavour to correct it, I have reckoned no greater number of consulships in the table of the Fasti according to Livy, than Livy himself allows for.

III. Dionysius regularly gives the Olympiads along with the Roman consulships, so that the synchronistic part of his chronology can be ascertained with certainty. With him, the first year of the Commonwealth is the first year of the sixty-eighth Olympiad (I. 74.); and the Gaulish invasion falls in the first year of the ninety-eighth Olympiad; so that there were just one hundred and twenty years between them. Again, the first year of the Commonwealth is the two hundred and forty-fifth from the foundation of Rome (I. 75.); so that the Gaulish invasion falls, according to Dionysius, in the year of Rome 365, and the intermediate years can therefore be determined without difficulty. But as the remaining part of Dionysius' history ends at the year of Rome 312, we cannot compare his lists of the consuls and military tribunes, from 313 to 365, with those of the Fasti Capitolini, of Livy, and of Diodorus.

IV. Diodorus gives the Olympiads also, but his synchronistic system does not agree with that of Dionysius. We have not his list of the early consulships, because his tenth book which contained them is lost: but the seventy-fifth Olympiad falls, according to him, in the consulship of Sp. Cassius and Proculus Virginius, whereas that same consulship is by Dionysius placed five years earlier, in the last year of the seventy-third Olympiad. Accordingly, if the list of consuls in the two writers had continued to agree

with one another, the invasion of the Gauls would have fallen, by Diodorus' reckoning, in the second year of the ninety-ninth Olympiad. And yet he does place it in the second year of the ninety-eighth Olympiad. This is the date assigned to it by Polybius (I. 6.), and it was probably so generally agreed upon, that Diodorus thought himself obliged to conform his reckoning to it. He had already introduced into his list several variations from the Fasti followed by Dionysius. For instance, he had omitted the consulship of C. Julius and Q. Fabius, which Dionysius places in Olymp. 74-4; and he had then inserted two consulships unknown to Dionysius, to Livy, and to the Fasti Capitolini, in Olymp. 82-2, and 82-3. Thus the first year of the decemvirate, which according to Dionysius was Olymp. 82-3, is with Diodorus Olymp. 84-1. The difference is then reduced by one year, because Diodorus assigns only two years to the decemvirate instead of three: and thus the famous consulship of L. Valerius and M. Horatius is placed by him five years later than by Dionysius, in Olymp. 84-3 instead of Olymp. 83-2. But after this he inserts another consulship in Olymp. 90-1, so that the difference is again raised to six years, and the Gaulish invasion ought consequently to have been placed in Olymp. 99-3. To prevent this, and to bring it to Olymp. 98-2, he strikes out the consulships and military tribuneships of five years from Olymp. 91-2 to Olymp. 92-2 inclusive, so that the tribunes whom he places in Olymp. 91-2, are L. Sergius, M. Papirius, and M. Servilius, whom he ought, according to his own system, to have placed in Olymp. 92-3. The object desired is thus accomplished, and the Gaulish invasion is in this manner thrown back to Olymp. 98-2. But so resolved was Diodorus to follow his own system in his general chronology, although he had felt himself in a manner forced to depart from it in giving the date of the Gaulish invasion, that in order to return to it he fills up the five years follow-

ing Olymp. 98-2 with the very same consulships and tribuneships which he had already given for it and the four years preceding it; so that the military tribunes of Olymp. 99-4, are in fact the tribunes of the year next after the Gaulish invasion, and those of Olymp. 99-3, are evidently, although the names are grievously corrupted, the very same with the tribunes whom he had before placed in Olymp. 98-2, and under whose tribuneship he had given his account of the Gaulish war.

Thus much will suffice for the present, in illustration of the table. It may be observed, however, as a proof of the confusion of the early chronology of Rome, that the only instance in which the Roman annals of this period attempted any synchronism with the events of foreign history, tends but to perplex the subject still more. The annals of the year of Rome 323, according to Livy's reckoning, that is, the year of the consulship of T. Quintius and C. Julius, had recorded that in that year the Carthaginians first crossed over with an army into Sicily, having been invited to take part in the domestic wars of the Sicilian states. Now this year, according to Dionysius, was Olymp. 87-4, and according to Diodorus it would be Olymp. 89-1. But the Carthaginians crossed over into Sicily, for the first time since the reign of Gelon, in Olymp. 92-3, according to Diodorus, XIII. 43, and this is confirmed by Xenophon, Hellenic. I. 1, ad finem, so that the true date of this event is nineteen years later than the date assigned to it in the Roman annals, if we follow the reckoning of Dionysius, and fourteen years later, if we follow that of Diodorus. Niebuhr supposes that the Roman annalists confused the Carthaginian invasion with the first appearance of an Athenian fleet in Sicily, namely, with the expedition of Laches, in the fifth year of the Peloponnesian war (Thucydides, III. 86), that is, in Olymp. 88-2. But this is one of the very few conjectures of Niebuhr which appear to me quite improbable. The

expedition of Laches consisted only of twenty ships, and its operations were so insignificant that it cannot be conceived to have attracted the attention of the Romans. But the Carthaginian expedition which Hannibal led against Selinus consisted, according to the lowest computation, of one hundred thousand men, and sixty ships of war; and his great success in the destruction of so powerful a city as Selinus, was likely to have spread terror through all the neighbouring countries. Yet how is it possible to make the ninety-second Olympiad synchronise with the consulship of T. Quinctius and C. Iulius, that is, with the year 323 or 324 of Rome?

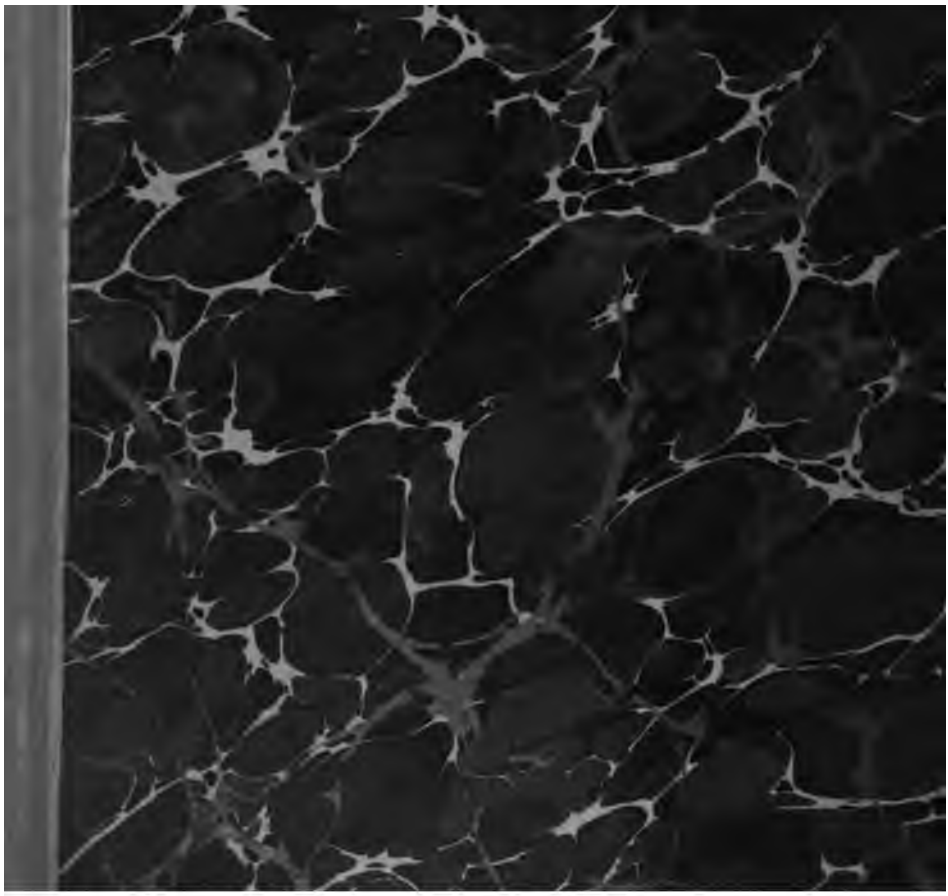
Note. I have said that Livy places the beginning of the decemvirate in the year 302. His words are "Anno trecentesimo altero quam condita Roma erat." III. 33. But Sigonius understands this to mean the year 301, although he finds it difficult to make out nine years in Livy's narrative between the first decemvirate and the institution of the military tribuneship, which Livy places beyond all dispute in the year 310. As to the grammatical question, although I am aware that the point has been contested, yet it seems to me certain that "Anno trecentesimo altero" must signify the year 302 and not 301. For "alter" must immediately precede "tertius," and there can be no doubt that "Anno trecentesimo tertio" would signify the year 303. The confusion seems to have arisen from such expressions as "alter ab undecimo," which, although Servius interprets even this to mean the "thirteenth," may yet, I suppose, be fairly understood to be the twelfth, because here the inclusive system of reckoning is followed, and the eleventh year itself is counted as the first, the twelfth as the second from the eleventh, the thirteenth as the third, and so on. Thus the thirteenth of March is, according to the Roman reckoning, the third day before the Ides, or fifteenth,

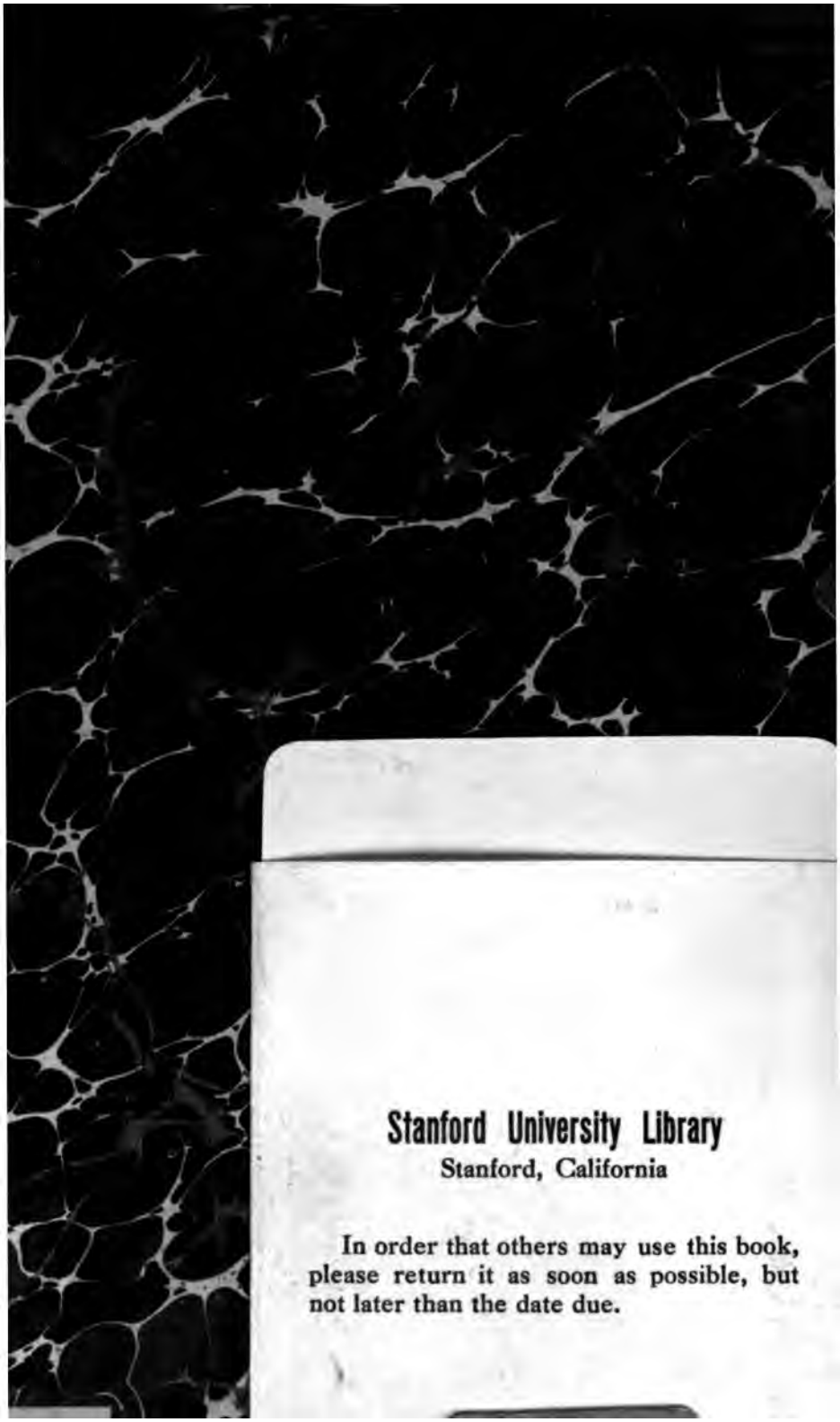
because the fifteenth itself is reckoned as the first. But in abstract numeral expressions, such as "trecentesimo altero," it is different; for here the inclusive system is not followed, and "alter" is therefore the "second" in our sense of the word, and "trecentesimo primo" would be the date of the year preceding it. The usage of the Greek word δεύτερος is exactly analogous to this. Δευτέρῳ ἔτει μετὰ τὴν μάχην would be the year next after the battle, which we should more naturally call the "first year" after it. But Ὀλυμπιὰς δευτέρα πρὸς ταῖς ἑκατὸν is not the one hundred and first, but the one hundred and second Olympiad. If Sigonius' interpretation could be shown to be right, it would only embarrass his system still more; for if "trecentesimo altero" means what we should call "the three hundred and first," then "trecentesimo decimo" in Livy, IV. 7, must be what we should call the "three hundred and ninth," it being certain that in all reckonings "alter" is immediately followed by "tertius."

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